



WEB COPY



W.P.No.38454 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.38454 of 2024
and WMP.No.41645 of 2024

Dr.Vishnu Preye S.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
- 2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai – 600 010.
- 3.Directorate of Medical and Rural Health Services,
Represented by the Director of Medical Health and
Rural Health Services,
359, Anna Salai, Chennai – 600 006.
- 4.Directorate of Public Health and Preventive Medicine,
Represented by the Directorate of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai – 600 006.
- 5.Madras Medical College,
Represented by its Dean,
EVR Periyar Salai,
Chennai – 600 003.

... Respondents



W.P.No.38454 of 2024

WEB COPY

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 5th respondent to return the petitioner's original certificates and documents collected by the 5th respondent while admitting the petitioner to the Post Graduate Degree course along with her Post Graduate degree certificate.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : M/s.M.Sneha,
Special Counsel
* * * * *

ORDER

This Writ Petition is filed to direct the 5th respondent to return the petitioner's original certificates and documents collected by the 5th respondent while admitting the petitioner to the Post Graduate Degree course along with her Post Graduate degree certificate.

2.The petitioner is a Doctor and secured admission for Post Graduate course. Being the non-service Doctor, while joining the PG course, the petitioner was required to execute a bond for a sum of Rs.40,00,0000/- with an undertaking that she would work for the Government for a period of two



W.P.No.38454 of 2024

years. The first respondent vide G.O.Ms.No.351, dated 27.10.2023, reduced the bond period from two years to one year for the Doctors completing their PG Course in 2023, and consequently the bond amount was also reduced to Rs.20,00,000/-. Thereafter the petitioner completed the PG Course in May, 2023. Whiles, the petitioner was awaiting the issuance of the posting order, however, she was not issued any posting order till date. One year after the completion of the course the petitioner on 27.02.2024, sent a representation to the respondents seeking, interalia, the return of the original certificates and documents. The petitioner earlier filed a Writ Petition in W.P.No.7631 of 2024, before this Court for a direction to the respondents to treat the petitioner's bond as completed with a further direction to the fifth respondent to return the original certificates. This Court vide order dated 25.03.2024, dismissed the writ petition with liberty to pursue the representation with the respondents and further directed the respondents to consider the same. Though the petitioner sent an e-mail to the respondent on 12.06.2024, seeking return of the original certificates and documents, since, no action was taken, the petitioner was constrained to file this writ petition.



W.P.No.38454 of 2024

3.I have heard the learned counsels for the petitioner and the learned Special Counsel for the respondents and I have perused the entire materials placed on record.

4.It is seen that though the petitioner completed the PG Course 1 ½ years ago, neither posting order was passed nor the petitioner's original certificates and documents were returned by the respondents. Due to the delay the petitioner's skills are not only wasted but the petitioner's future is left in the lurch. This Court in the case of ***Dr.S.Giridharan and Ors. Vs. The State of Tamil Nadu*** in ***W.P.No.12541 of 2022*** and ***Dr.Yedupati Kondala Rao Vs. The State of Tamil Nadu and Ors.*** in ***W.P.(MD).No.9953 of 2024***, held in unequivocal terms that educational certificates are not marketable commodities and therefore there cannot be any lien on them, in terms of Section 171 of the Indian Contract Act, 1872.

5.In view of the above discussion and under the facts and circumstances of the case, I am of the view that the Writ Petition deserves to be allowed. Hence the Writ Petition is allowed with a direction to the fifth respondent to return the original certificates and documents to the petitioner,



W.P.No.38454 of 2024

within a period of two weeks, from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

05.02.2025

NOTE: ISSUE ORDER COPY ON 06.02.2025.

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order
ah

To

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
- 2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai – 600 010.
- 3.Directorate of Medical and Rural Health Services,
Represented by the Director of Medical Health and
Rural Health Services,
359, Anna Salai, Chennai – 600 006.
- 4.Directorate of Public Health and Preventive Medicine,
Represented by the Directorate of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai – 600 006.
- 5.Madras Medical College,
Represented by its Dean,



EVR Periyar Salai,
Chennai – 600 003.

WEB COPY



W.P.No.38454 of 2024

N.MALA, J.
ah

W.P.No.38454 of 2024

05.02.2025