

Kavita S.J.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7098 OF 2025

Dyuti Mittal

...Petitioner

Versus

**Bharati Vidyapeeth (Deemed to be University)
Medical College and Ors.,**

...Respondents

Ms. Shilpa Patil a/w Mr. Darshit Jain, Ms. Aishwarya Mall & Ms. Shrutu Bhatt for Petitioner.

Mr. Mahindra Deshmukh Sen for Respondent Nos. 1 & 2.

Mr. Hamid Mulla, AGP for Respondent No. 3 – State.

**CORAM : R.I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 19TH JANUARY, 2026.

ORDER :

1. Rule. Rule made returnable forthwith. Heard by consent of parties.

2. By this Petition, the Petitioner has sought direction to the Respondent Nos. 1 and 2 to immediately release / return the Petitioner's original documents as mentioned in the List of Documents at Exhibit-A to the Petition.

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3. The Petitioner is a young Doctor who has completed her post graduate degree in MD (General Medicine) in the month of August, 2023 from Respondent No.1 – College.

4. The Petitioner was issued Passing Certificate by Maharashtra University of Health and Sciences, Nashik upon her passing the final M.B.B.S. on 2nd February, 2019.

5. The Petitioner had also completed her internship with Smt. Kashibai Navale Medical College & General Hospital, Pune from 11th February, 2019 to 25th March, 2020 and Internship Certificate dated 11th March, 2020 was submitted to the Petitioner. Kashibai Navale Medical College vide document dated 9th April, 2020 informed the Maharashtra University of Health and Sciences about completion of internship of various students including the Petitioner.

6. It is pertinent to note that the degree of Bachelor of Medicine & Bachelor of Surgery (M.B.B.S.) had been awarded to the Petitioner at Convocation held on 30th June, 2020.

7. The Petitioner after completion of M.B.B.S. degree, wanted to pursue further study and more particularly post graduate

degree course in MD (General Medicine).

8. Accordingly, the Petitioner gave NEET PG 2020 entrance exam on 5th January, 2020 and was ranked 20315. The Medical Counseling Committee (MCC) issued Provisional Allotment Letter Round No.1 dated 9th April, 2020 to the Petitioner whereby Respondent No.1 – College was allotted to the Petitioner under Management / Paid Seat quota.

9. The Post Graduate (PG) seat in MD (General Medicine) was allotted to the Petitioner by Respondent Nos. 1 and 2.

10. The Petitioner had taken admission in management / paid seat quota and total fees of three year course was Rs.89,67,000/-. This payment had been made by the Petitioner and for which education loan was taken for payment of fees from Punjab National Bank, BKC Branch, Mumbai.

11. The Petitioner having taken admission in Respondent No.1 – College in PG degree course in MD (General Medicine), completed all the formalities and submitted all the original documents as required by them on 29th June, 2020.

12. The Petitioner upon completion of the degree course has accordingly sought for return of the original documents from Respondent No.1 – College.

13. The Respondent Nos. 1 and 2 have not returned the original documents and hence, the present Petition has been filed.

14. Mr. Mahindra Deshmukh Sen, learned Counsel appearing for Respondent No.1 – College has relied upon Affidavit / Bond executed by the Petitioner for completing the compulsory service after completion of Post Graduate (MD/MS) course. He has in particular relied upon undertaking of the Petitioner to work in the Respondent No.1 - College, and to accept all rules and conditions pertaining to appointment against the said acceptance. The Petitioner undertook to serve the Respondent No.1 – College (Deemed to be University), Pune for continuous period of one year as a senior Resident on such remuneration as may be prescribed in such scale of payment / placement.

15. The learned Counsel for Respondent No.1 has submitted that in view of Petitioner having undertaken to complete the compulsory service after completion of PG (MD/MS) course and

work in Respondent No.1 - College by accepting all rules and conditions pertaining to the appointment, the Respondent No.1 – College is entitled to retain the original documents as the Petitioner has failed to comply with the said undertaking in the Affidavit / Bond executed by her.

16. Having considered the submissions, Regulation 24(B)(9) of the University Grants Commission (Institutions deemed to be Universities) Regulations, 2023 provides as under:

“(9) The institution deemed to be University shall not retain any original certificates of the students, faculty members, and staff.”

17. The above Regulation provides that the Respondent No.1 – College (Deemed to be University) shall not retain any original certificate of students (the Petitioner in this case).

18. The reliance placed upon the Affidavit / Bond by Respondent No.1 – College for retention of the original documents which had been submitted by the Petitioner to Respondent No.1 – College whilst taking admission for Post Graduate degree course of

MD (General Medicine) is misplaced. There is an undertaking of the Petitioner in the said Affidavit / Bond that in the event of any failure to comply with the undertakings / conditions / acceptance, as contended on behalf of Respondent No.1 – College, the Petitioner is liable to pay an amount of Rs.50 Lakh to the Respondent No.1 – College as liquidated damages and compensation for the breach of conditions of the said undertakings / acceptance or such amount that the competent Authority of the University shall decide, whichever is maximum. Thus, it is open for the Respondent No.1 – College to enforce this undertaking against the Petitioner.

19. We find much merit in the present Petition, particularly in view of the aforementioned Regulation which mandates the Respondent No.1 – College not to retain any original certificate of students which includes the Petitioner in the present case.

20. In view thereof, we allow the Petition by directing Respondent Nos.1 and 2 to immediately release / return the Petitioner's original documents as mentioned in the List of Original Documents (Exhibit-A to the Petition).

21. The Writ Petition is accordingly disposed of. There shall be no orders as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]