IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
PRESENT
THE HONOURABLE SRI JUSTICE HARINATH.N
+WRIT PETITION NO: 15274/2020
%28.10.2026

Between:

1. ANISHA BUSA, D/O VENKATA REDDY AGE19 YEAR OCC STUDENT, R/O FLAT NO 402, C-BLOCK MATRIX FLORANCE, 100FT ROAD, NEAR KAMINENI HOSPITAL, TADIGADAPA, KRISHNA DISTRICT.

...PETITIONER

AND

1. SIBAR INSTITUTE OF DENTAL SCIENCES, TAKKELLAPADU, PEDAKAKANI MANDAL, GUNTUR
2. NTR UNIVERSITY OF HEALTH SCIENCES, REP. BY ITS VICE CHANCELLOR, VIJAYAWADA

...RESPONDENT(S):

Counsel for the Petitioner:

1. M SOLOMON RAJU

Counsel for the Respondent(S):

1. BOMMANABOYENA SRINIVASA RAO
2. T.V.SRIDEVI (SC FOR Dr NTR HEALTH U)

<Gist:

>Head Note:

? Cases referred:

This Court made the following Order :

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
PRESENT
THE HONOURABLE SRI JUSTICE HARINATH.N
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2. NTR UNIVERSITY OF HEALTH SCIENCES, REP. BY ITS VICE CHANCELLOR, VIJAYAWADA

...RESPONDENT(S):

DATE OF ORDER PRONOUNCED: **28.10.2026**

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE HARINATH.N

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No

2. Whether the copies of order may be marked to Law Reporters/Journals? Yes/No

3. Whether Your Lordships wish to see the fair copy of the order?

Yes/No

JUSTICE HARINATH.N

APHC010231752020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026
PRESENT
THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 15274/2020

Between:

1. ANISHA BUSA, D/O VENKATA REDDY AGE19 YEAR OCC STUDENT, R/O FLAT NO 402, C-BLOCK MATRIX FLORANCE, 100FT ROAD, NEAR KAMINENI HOSPITAL, TADIGADAPA, KRISHNA DISTRICT.

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2. NTR UNIVERSITY OF HEALTH SCIENCES, REP. BY ITS VICE CHANCELLOR, VIJAYAWADA

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents 1 and 2 in retaining the original Academic certificates i.e. SSC Markslist, Intermediate Marks Memorandum, Study and Conduct Certificate, Transfer Certificate and Migration Certificate of the petitioner and demanding Fee of Rs.5,46,978/- per year from the petitioner for the rest of 4 years, as illegal, irregular, arbitrary, violative of Articles14 19 and 21 of Constitution of India, contrary to the guidelines of the University of Grants Commission New Delhi and consequently direct the Respondents 1 and 2 to release the original Academic certificates i.e. SSC Markslist, Intermediate Marks Memorandum, Study and Conduct Certificate, Transfer Certificate and Migration Certificate of the petitioner and pass

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the direct the Respondents 1 and 2 to release the original Academic certificates i.e. SSC Markslist, Intermediate Marks Memorandum, Study and Conduct Certificate, Transfer Certificate and Migration Certificate of the petitioner pending disposal of the above writ petition and pass

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to permit the petitioner to bring the proposed respondent on record as Respondent No: 3 for proper and effective adjudication and

Counsel for the Petitioner:

1. M SOLOMON RAJU

Counsel for the Respondent(S):

1. BOMMANABOYENA SRINIVASA RAO
2. T.V.SRIDEVI (SC FOR Dr NTR HEALTH U)

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION No.15274 OF 2020

ORDER:

1. The Petitioner is aggrieved by the action of the respondents in retaining the original academic certificates, i.e. SSC Marks List, Intermediate Marks Memorandum, Study and Conduct Certificate, Transfer Certificate and Migration Certificate of the petitioner and demanding payment of the entire course fee of ₹5,46,978/- per year for the entire course period for release of the certificates of the petitioner.
2. The petitioner appeared for NEET examination 2019 and secured a seat in the BDS Course in the counselling conducted by the second respondent. The petitioner submitted her original academic certificates to Respondent No. 2, which were then forwarded to the first respondent college, as the petitioner was allotted to the first respondent college on 14.09.2009.
3. The petitioner developed medical complications in her right leg and, as such, underwent an operation on her leg; however, due to post-operation complications, the petitioner could not join the course and sought the return of her academic certificates. The petitioner addressed a letter dated 17.12.2019 to the second respondent, marking a copy to the first respondent, seeking the return of her original academic certificates. The petitioner also issued a legal notice dated 16.03.2020 seeking the return of the original academic certificates. It is further

submitted that the first respondent issued a reply notice dated 27.01.2020 and called upon the petitioner to pay the entire fee of ₹5,46,978/- per year for 4 years to return the petitioner's original academic certificates.

4. Learned counsel appearing for the petitioner submits that the illogical demand of the first respondent is contrary to the University Grants Commission guidelines and that it is also a settled position of law that the colleges cannot retain the academic certificates of the students and demand payment of the course fee for returning them.

5. The first respondent has filed a detailed counter, stating that it is a private unaided educational institution and does not receive any grants or aid from the government to run its college; as such, the writ petition is not maintainable. It is also admitted in the counter that the petitioner has submitted her original academic certificates at the time of joining the college on 14.09.2019; however, the petitioner did not pay the fee of ₹5,49,000/- for the first year, and at the request of the petitioner's father, the petitioner was granted 3 additional days for payment of the fee. However, for reasons best known to the petitioner, the petitioner did not join the college or pay the fee. The counter also admits that the petitioner issued a legal notice, which respondent No. 1 duly replied to.

6. The counter also states that the first respondent has no objection to returning the petitioner's original academic certificates, subject to the petitioner paying the entire course fee of ₹21,96,000/-, along with other

fees and the cancellation fee payable to the second respondent. It is further stated in the counter that private colleges cannot be deprived of receiving the regular fee for the whole year or the entire course when students voluntarily drop out of continuing their studies. It is also stated that a student who discontinues studies voluntarily is not entitled to a refund of the fee deposited.

7. It is submitted that GOMS No. 72 dated 15.07.2019 would mandate that a candidate who wants to withdraw from the course after the closure of admissions in the middle of the course has to submit the request through the principal of the college concerned along with course discontinuation fee of ₹3,00,000/- for MBBS and ₹1,00,000/- for BDS course and GST applicable to the University by way of a demand draft. It is submitted that the petitioner, as a matter of fundamental right, cannot seek return of the certificates without paying the course fee.
8. Learned Standing Counsel appearing for Respondent No. 2 fairly admits that the demand raised by the first respondent seeking payment of the entire course fee from the petitioner for returning the academic certificates is not permissible as per the UGC guidelines and regulations.
9. Heard the learned counsel for the petitioner and the learned Standing Counsel for Respondent No. 2, and perused the record.
10. The point for consideration in the present writ petition is whether the first respondent has a bona fide right to retain the original academic

certificates of a student and demand payment of the course fee for returning them.

11. The University Grants Commission issued a notification in October 2018, laying down detailed instructions to curb malpractices relating to fee refunds in case of withdrawal from the program and the retention of original certificates at the time of and/or after admission. The objective of the notification issued in October, 2018 is to prohibit coercive and profiteering institutional practices in matters related to refund of fees in case of withdrawal from the program and retention of original certificates of the students. The said notification is issued in exercise of powers conferred by Section 12 sub-clause (d) read with Section 12(j) of the UGC Act 1956. The UGC issues this notification to adopt standard operating procedures for fee refunds in cases of student withdrawal from the programme and non-retention of certificates at the time of admission.

12. The notification issues a standard operating procedure for a refund of the tuition fee paid by the student if the student chooses to withdraw from the programme. The first respondent's claim for payment of the entire course fee to return for the petitioner's certificates is evidently contrary to the University Grants Commission's October 2018 notification.

13. The notification further clarified the verification and non-retention of students' academic and personal certificates. Clause 4.2.1 mandates

that no higher education institution shall insist upon a student submitting the original academic and personal certificates, like mark sheets, school leaving certificates and other such documents, at the time of submitting the admission form. The submission of self-attested copies thereof shall be mandatory.

14. Clause 4.2.2: Higher educational institutions shall physically verify the originals at the time of admission of the student in his or her presence and return them immediately after satisfying themselves about their authenticity, keeping the attested copies for their record.
15. Clause 4.2.3: The self-attested certificates of students shall be held valid and authentic by the institution concerned and/or the affiliating university for all purposes and administrative requirements, and should there be a need for physical verification at any time during the course of the programme of study, such verification shall be undertaken, and the original certificates thus used for verification shall be returned immediately to the student concerned
16. Clause 4.2.4: Taking the certificates into institutional custody under any circumstances or pretext is strictly prohibited.
17. Clause 4.2.5: In case of any suspicion over the authenticity or genuineness of the certificate, reference may be made to university, or the board which issued the certificate to the student and the admission may be subjected to authentication, but the original certificate shall not be retained by the higher education institution under any circumstances.

18. The University Grants Commission notification is categorically clear and unambiguous. Under no circumstances can the first respondent justify retaining the petitioner's academic certificates and demanding payment of the entire course fee as a condition for returning the petitioner's original academic certificates. Original academic certificates are the property of the student. They are the foundation of the student's right to pursue higher education, enrol with professional bodies and seek employment, and thus bear directly on the right to livelihood and education under Article 21 of the Constitution of India. An institution has no lien over them. Even if the College has a legitimate claim for the Tuition Fee or any other fee, withholding of certificates is not permissible as a mode of recovery. The remedy of the first respondent lies elsewhere but certainly not in the form and manner adopted by the first respondent.

19. For the aforesaid reasons, the writ petition deserves to be allowed, with a direction to the respondents to return the petitioner's original academic certificates within a period of one week from the date of receipt of the order.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Dated 28.10.2026
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THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.15274 of 2020
Date: 28.10.2026

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