



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 20080 of 2026

and

WMP No.21472 of 2026

Akhil Sai,
S/o.Gopan,
Pallath House, Kuttipuzha,
Kunnukara Post, Ernakulam,
Kerala-683 578.

..Petitioner(s)

Vs

1. The Principal Secretary to Government,
Health and Family Welfare,(MCA-1)
Department, Secretariat, Chennai-600 009.
2. The Dean,
Government Mohan Kumaramangalam Medical
College, Salem-636 030.
3. The Medical Council of India,
Rep by its Secretariat, Pocket-14,Sector-8,
Dwaraka Phase-I, New Delhi-77.
4. The Director of Medical Education,
Chennai-600 090.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the proceedings dated 12.03.2026 in Ref no.8886/ME/PG/2026 and quash the same and consequently direct the 2nd Respondent to allow the Petitioner to discontinue the course and return all his original documents without insisting on the discontinuation fee and stipend paid.



WEB COPY

WP No.20080 of 2



For Petitioner(s):

Mr.K.S.Karthik Raja

For Respondent(s):

Mr.J.V.Sakthi Baalakrishnan

Counsel for Government (for R1, R2 & R4)

ORDER

The present writ petition is filed praying for a writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the proceedings dated 12.03.2026 in Ref no.8886/ME/PG/2026 and quash the same and consequently direct the 2nd Respondent to allow the Petitioner to discontinue the course and return all his original documents without insisting on the discontinuation fee and stipend paid.

2. At the outset, learned counsel for petitioner would submit that the issue stands covered by the orders of this Court in W.P. No.6107 of 2021 and would request that similar orders may be passed in this writ petition. The relevant portions of the order is extracted below:

“The petitioner, who is studying 3rd year MBBS Course in the 1st respondent Medical College Hospital and Research Centre filed this Writ petition for a Mandmaus to direct the respondents to allow the petitioner to withdraw from the MBBS Course and return the original certificates and all other documents, which were deposited by the Petitioner at the time of joining the MBBS Course along with the Transfer Certificate to enable the petitioner to continue his further studies in any other institution/course of his choice.



WEB COPY

2. *Though this petitioner has secured admission in the MBBS Course in the year 2016~17 is unable to continue his studies in MBBS Course in the 1st respondent Institution due to his financial position. He therefore, made a request to permit him to discontinue the Course and for return of his certificates. The respondent College insisted the petitioner that the entire fees due from him for the entire 5 years duration of MBBS Course has to be paid by him, even though, the petitioner discontinues the Course in the 3rd year.*

3. *Mr.V.B.R.Menon, learned counsel for the petitioner submitted that as directed by the respondent Institution, the petitioner has also paid the entire fees for the entire 5 years MBBS course as per the judgment of the Division Bench of this Court made in W.P.No.23732 of 2017 dated 8.07.2019. However, the 1st respondent Institution failed to return the certificates stating that as against the order of the Division Bench, a review application has been filed and subject to the result of the review application alone, the certificates would be returned to the petitioner. Learned counsel would further submit that respondent college has no right to retain the original certificates of the petitioner. Even if there is balance fee to be paid by the petitioner, it can be recovered by the respondent College by instituting appropriate proceedings and the return of certificates has nothing to do with the payment of balance of fee.*

4. *Mr.V.B.R.Menon, learned counsel appearing for the petitioner also relied on the following decisions in support of his contentions.*

i) *In 2013(1) CTC 595 (Muthukamatchi vs. Director of Technical Education), this Court has held as follows:*



WEB COPY

“5. I would not venture to get into that controversy, namely, whether the College is entitled to collect the balance of fees or not. The main grievance of the petitioner is about the Certificates of her daughter. Those Certificates are not like fixed deposit receipt on which, banks claim a general lien in terms of Section 171 of the Contract Act. Therefore, the Certificates cannot be retained at any rate. Hence, this writ petition is allowed directing the fourth respondent to return all the original Certificates deposited by the petitioner forthwith. No costs.”

ii) In W.P.No.29359 of 2017 dated 24.01.2018 (Sivaraj v. The Vice Chancellor), this Court has held as follows:

“12. In such view of the matter, this Court holds that the fourth respondent college has no right to retain the original certificates of the petitioner and they cannot demand the fee, for which, the petitioner did not study. Keeping the original certificates and insisting for payment of dues would amount to a sort of unfair trade practise and also deficiency in service. Even if there is any fee to be paid by the petitioner, it can be recovered by the fourth respondent by instituting appropriate proceedings. The return of certificates has nothing to do with the payment of balance of fee.”

iii) W.P.(C) No.20027 of 2020 dated 16.09.2020 (Dipesh Ku.Pahihari vs. Hi-Tech Medical College & Hospital) passed by the Division Bench of Orissa High Court. The relevant portion of the said judgment reads as follows:

“The question raised hereinabove assumes significance in the light of the fact that this Court is unnecessarily burdened with similar litigation at a regular interval which is avoidable at the end of the college authorities. Since the present



WEB COPY

petitioner does not have any bonded obligation, his documents submitted before the college cannot be withheld. The certificate of educational qualifications are the most important document in so far as the career of the student is concerned and it is most valuable property of students. Non~availability of such certificates or delay in producing the same may result in deleterious consequences in so far as the career of the students are concerned because these are the first and foremost documents insisted by a college or an employer.

...

It is, therefore, directed that all the original certificates of the petitioner collected at the time of his admission shall be released forthwith. The aforesaid direction shall be complied within one week from the presentation of this order. It is made clear that the Opposite Parties shall not create any stumbling block while releasing such original certificates and issuing the PG certificates, mark sheet etc. to any of the students in future. Needless to state, if the College face any loss on account of the conduct of any student or any dues has to be recovered from the students, it is open for it to take recourse to other remedy as may be available in law.”

5. Mr.Abhishek Jenasenan, learned Counsel appearing for the respondents would submit that though this Court has taken a decision in W.P.No.23732/2017 prescribing the fees as Rs.19 lakhs, the respondent Institution has filed a review application before the Division Bench and subject to the result of review application, the petitioner has to pay the balance amount to the respondent Institution.

6. The only grievance of the respondents is that in the event,



WEB COPY

the respondents succeed in the review application, it would be difficult for the institution to collect the balance amount. Mr.V.B.R.Menon, learned counsel would submit that this petitioner is one of the respondents in the review application and he is bound by the orders of the Court and agreed to advise the petitioner to file an affidavit of undertaking for the payment if any, on the outcome of the litigation. Accordingly, an affidavit of undertaking has also been filed by the petitioner before this Court.

7. Paragraphs 3 and 4 of the said affidavit are extracted as under:

“3. I further state that I am aware of the fact that the Respondent Medical College has filed a Review Petition No.194 of 2019 which is pending for disposal before the Hon-ble Division Bench. I am one of the Respondents in the above Review Petition and hence I shall be bound by the final decisions of the case.

4. I further affirm through this Affidavit of undertaking that I would abide by the final decision in the pending review petition and / or subsequent Special Leave Petition to be filed, if any. I further undertake to immediately pay to the Respondent Medical College any amount, in excess of the actual amounts already paid by the Petitioner towards annual fees during the 5~year period, if any additional amount becomes payable by me as per the final outcome of the above Review Petition and/or any SLP.”

8. Mr.Abhishek Jenesenan, learned counsel appearing for the respondents submitted that in view of the undertaking given by the petitioner, it may not be an impediment for the Respondent Institution to return the certificates of the petitioner.

9. Recording the above statement made by the learned



WEB COPY

counsel appearing for the respondents and the Affidavit of Undertaking filed by the petitioner, this Writ Petition is allowed with a direction to the respondents to return the original certificates and all other documents deposited by the petitioner along with the transfer certificate to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.”

3. In view thereof, the writ petition stands disposed of on the above terms, however, it is made clear that it is always open for the respondent authority to take appropriate measures to seek redressal of grievance including recovery of dues, if any, in the manner known to law. All rights and contentions of both parties are left open. No costs. Consequently, the connected miscellaneous petition is closed.

23-06-2026

Index: Yes/No

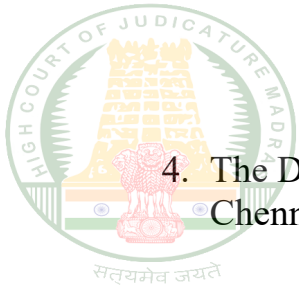
Speaking/Non-speaking order

Neutral Citation: Yes/No

MKA

To:

1. The Principal Secretary to Government,
Health and Family Welfare,(MCA-1)
Department,Secretariat,
Chennai-600 009
2. The Dean,
Government Mohan Kumaramangalam Medical College,
Salem-6360 030
3. The Medical Council of India,
Rep by its Secretariat,
Pocket-14,Sector-8, Dwaraka Phase-I,
New Delhi-77



4. The Director of Medical Education,
Chennai-600 090.

WEB COPY

WP No.20080 of 2





WEB COPY

WP No.20080 of 2



MOHAMMED SHAFFIQ J.

MKA

WP No.20080 of 2026

23-06-2026