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W.A.No.2674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.2674 of 2024
and C.M.P.No.19342 of 2024

1.The Dean
Chettinad Hospital and Research Institute,
Kelambakkam, Chennai.

2.The Registrar
Chettinad Hospital and Research Institute,
Kelambakkam, Chennai.

Appellants

Vs

1.P.Karthikeyan
S/o.R.Pattusamy,
No.169, Thenkuthu, Anna Nagar,
Vanathirayapuram Post, Kurijipadi Taluk,
Vadalur – 607 303,
Cuddalore District.

2.The Director
MGR Medical University,
Guindy, Chennai.

Respondents



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PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.20459 of 2022, dated 3.6.2024.

For Appellants: Mr.M.S.Krishnan
Senior Counsel
for Mr.T.Balaji

For Respondents: Mr.M.R.Jothimanian
for Mr.M.Ragul Kousik
for R1

Mr.M.Sivavarthanan
for R2

JUDGMENT
(Made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. Challenging the order of the learned Single Judge dated 3.6.2024 passed in W.P.No.20459 of 2022, respondent Nos.1 and 2 therein have filed the present writ appeal.

3. The first respondent/writ petitioner has filed the writ petition seeking a writ of mandamus directing the appellants and the third respondent herein to issue his MBBS degree certificate along with



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transfer certificate and provisional certificate, as he has successfully completed the degree in the month of February, 2019. By the impugned order, the learned Single Judge allowed the writ petition and issued the following direction:

"6. Therefore, the first respondent is directed to return the original certificates of the petitioner which were produced at the time of his admission to the MBBS course, MBBS degree certificate and transfer certificate forthwith. However, it is open to the first respondent to initiate appropriate proceedings to recover the break fees, if any, as against the petitioner and the period of pendency of this writ petition may be excluded while calculating the limitation."

4.1. Learned Senior Counsel appearing for the appellants submitted that the learned Single Judge failed to consider that the first respondent is a 2007-2008 batch MBBS student, who during normal course ought to have completed his MBBS course in 4½ years i.e., during 2012, however, he took 12 years to complete his course before he could go on to complete his CRRI training which he completed in April, 2020.

4.2. Learned Senior Counsel for the appellants further submitted



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that the learned Single Judge ought to have taken note of the fact that candidates pursuing MBBS, in the event of failing/not qualifying the semester/annual examination, will have to put in extra study/training, which is called break study, for which they further utilise the facilities of the educational institution until they clear the examinations. The learned Single Judge failed to note that it is the first respondent's failure which prolonged the duration of his course and all along during this extended period he had been utilising the facilities, infrastructure and value added services of the appellant institution for which he is bound to pay the study/tuition fees.

4.3. The learned Senior Counsel for the appellants added that the learned Single Judge failed to take into consideration the fact that owing to the first respondent's failure to clear the course on time or at least within the span of time, the appellant institution was forced to pay the second respondent/Tamil Nadu Dr. MGR Medical University a sum of Rs.9.00 lakh as affiliation fee and Rs.6.00 lakh as administration fee, totalling to Rs.15.00 lakh.

4.4. Learned Senior Counsel for the appellants submitted that while the first respondent invoked the writ jurisdiction seeking to



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return the certificates, the learned Single Judge ought to have permitted to return the original certificates produced at the time of admission to MBBS course and not the MBBS degree certificate which is the property of the appellant institution.

4.5. Learned Senior Counsel for the appellants urged that the certificates on completion of course will be issued only if all dues to the institution are duly paid and the first respondent is obliged to pay the break fee for his overstay in the course. Thus, he prayed for setting aside the order of the learned Single Judge.

5. On the other hand, learned counsel for the first respondent submitted that the appellant college is a Deemed University and the first respondent had joined the college and had paid fees for 4½ years to the tune of Rs.14.00 lakh. After completion of his course, the first respondent was not issued his degree certificate, transfer certificate and course completion certificate on the ground that he had failed to pay the break fees. Learned counsel would submit that the learned Single Judge, upon appreciation of facts and applying the law, rightly directed to return the original certificates produced by the first respondent at the time of admission as also the MBBS degree



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certificate and the transfer certificate. Therefore, the order passed by the learned Single Judge does not warrant any interference.

6. We have considered the submissions made by learned counsel for the parties and also perused the materials available on record.

7. The main submission of the appellants is that because of the first respondent's retention in the course for long period and all along during this extended period he had been utilising the facilities and infrastructure of the appellant institution, the first respondent is bound to pay break fees and the learned Single Judge ought not to have directed the appellant institution to return the certificates as prayed for by the first respondent.

8. It appears and as rightly observed by the learned Single Judge that though the first respondent had completed his course in the year 2020, he was allowed to continue his internship with the appellant institution.

9. In a catena of judgments, the Supreme Court held that educational certificates are not marketable commodities and,



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therefore, they cannot be withheld. Referring to the decisions of the Supreme Court, a Division Bench of this Court in *Nirmal.M v. The State of Tamil Nadu*¹, held thus:

"2. The appellants / writ petitioners had undergone Post Graduate Diploma and Post Graduate Degree courses in the third respondent colleges. While securing admission, they had executed bonds undertaking to serve the Government of Tamil Nadu for a period of two years. The bond period has since expired. Now, the appellants / petitioners are in need of original certificates so as to pursue higher education. The authorities are taking the stand that since the bond conditions have not been fulfilled, they would not return the certificates. **It has been held in more than one case that Educational Certificates are not marketable commodities and therefore, they cannot be withheld.** [R.D.Saxena -Vs- Balram Prasad Sharma 2000 (7) SCC 246] and [S.Muthukamakshi (Vs) Anna University (2013) 1 CTC 595]

3. In this view of the matter, **the respective colleges are directed to return the petition mentioned original certificates to the appellants / writ petitioners forthwith and without any delay. The respondents are at liberty to proceed against the**

¹ Judgment dated 6.10.2022 passed in W.A.No.2256 of 2022, etc.



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appellants / writ petitioners for violation of bond conditions. If according to the authorities, the writ petitioners have to pay damages, it is open to them to file a Civil Suit or take recourse to any other remedy for recovering the same but on that ground, the certificates cannot be retained. There can never be a general lien on educational certificates in terms of Section 171 of the Contract Act."

[emphasis supplied]

10. A similar view was taken by a learned Single Judge of this Court in *M.Kesavan v. The Principal, Cheran College of Pharmacy and others*². The said decision was alluded to by another learned Single Judge of the Rajasthan High Court in *Eshita Gupta v. Jaipur National University and another*³, wherein it was held as under:

*"19. ... The Hon'ble Supreme Court in the case of Islamic Academic Education Vs. The State of Karnataka reported in (2003) 6 SCC 697 while considering the scope and right of an institution to collect fee has set the standards and the criterias for collecting the same but even **very consciously, the Hon'ble Supreme Court has nowhere authorized any institution to continue custody of the original documents of a***

²2024 MHC 1430

³Order dated 3.12.2025 in S.B.Civil Writ Petition No.7084 of 2024



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student solely to recover the fee. Even the State Government is quite conscious of the said fact and the information booklet relied upon by the respondents also nowhere provides for any such condition. Thus, it is writ large that the intent of the State as well as of the Hon'ble Supreme Court is, to enable the institution to recover its fees but certainly not by way of forcefully retaining the original documents of a student."

[emphasis supplied]

11. We are, therefore, of the view that retaining of the certificates of the writ petitioner on the ground that only upon payment of the amount due, the certificates will be returned cannot be countenanced.

12. In the light of the law enunciated by the Apex Court, this Court and other High Court, we are of the view that there is no infirmity in the order/direction of the learned Single Judge directing the appellant college to return the certificates of the writ petitioner.

13. The writ appeal is, therefore, dismissed. The appellant institution is directed to forthwith comply with the direction of the



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learned Single Judge.

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There shall be no order as to costs. Consequently, interim application shall stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
08.04.2026

Index : Yes/No
Neutral Citation : Yes/No
bbr/sasi

To:

1.The Director
MGR Medical University,
Guindy, Chennai.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi/bbr)

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