



W.P.(MD)No.5051 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.5051 of 2026

Dr.Kavinbharathi

... Petitioner

vs.

1.The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 9

2.The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 10

3.The Director,
Directorate of Medical and Rural Health Services,
No.359, Anna Salai, Chennai - 6

4.The Director,
Directorate of Public Health and Preventive Medicine,
No.359, Anna Salai, Chennai - 6

5.The Dean,
Government Rajaji Medical College,
Madurai – 625 020.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to treat the petitioner's Two-year bond period as completed and to consequently terminate the petitioner's bond agreement as infructuous and to direct the 5th Respondent college to return the petitioner's original certificates and documents collected during petitioner's Master of Surgery admission along with Master of Surgery Degree certificates, within a time limit as stipulated by this Court.

For Petitioner :Mr.K.Rajeswaran
For Respondents :Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus directing the fifth respondent College to return the original certificates and documents furnished by her at the time of admission to the post-graduate course.

2. The petitioner, after completing her MBBS course, joined a post-graduate course in the fifth respondent College. At the time of securing admission, the petitioner executed a bond undertaking to serve the



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Government of Tamil Nadu for a period of two years. After successfully completing the course, the petitioner served the Government of Tamil Nadu for a period of 18 months. According to the petitioner, she could not complete the remaining six months as no duty was allotted to her by the Government.

3. Mr. N. Ramesh Arumugam, learned Government Advocate, who accepts notice on behalf of the respondents, on instructions, submitted that the petitioner, having executed the undertaking, is under an obligation to serve the Government of Tamil Nadu for a period of two years and therefore, she is not entitled to the return of the original certificates/documents.

4. The submissions made by the learned counsel on either side have been duly considered.

5. A similar issue came up for consideration before the Principal Bench of this Court in W.A.Nos.2256, 2257 and 2259 of 2022, wherein the Hon'ble Division Bench held as follows:

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“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 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.

4.The orders impugned in these writ appeals are set aside and the Writ Appeals are allowed with the aforesaid liberty to the respondents.....”

6. In the light of the legal proposition laid down by the Hon’ble Division Bench of this Court, the fifth respondent is directed to return the original certificates/documents to the petitioner forthwith. It is open to the



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authorities to initiate appropriate action against the petitioner for enforcement of the bond conditions, if so advised.

7. With the above observations and directions, the Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

04.03.2026

Note : Issue order copy by **05.03.2026**.

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