IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE SRI JUSTICE B.R.MADHUSUDHAN RAO

WRIT APPEAL NO: 1453 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 30/07/2025 in W.P.No. 15827 of 2025. on the file of the High Court.

Between:

1. Dr. Ullahas Jagadish, S/o. J. Jagadish, aged 32 years, Occ- Doctor, R/o.H.No.1-49-31/1, Thimmapur Village, Dharmapuri Mandal, Jagitial Dist. PIN - 505 425.
2. Dr. Anu Thankappan, S/o. N. Thankappan, aged 41 years, Occ- Doctor, R/o. Brothers Villa, Manakala PO., Adoor Pathanamthitta, Kerala State PIN-691 551.

...APPELLANTS/
WRIT PETITIONER No.2 & 3

AND

1. Union of India, Rep. by its Secretary Department of Health and Family Welfare, Ministry of Health and Family Welfare Nirman Bhawan, New Delhi-110011.
2. State of Telangana, rep. by its Principal Secretary, Medical and Family Welfare Department Secretariat, Hyderabad.
3. Directorate General of Health Services, rep. by its Director, Ministry of Health and Family Welfare, Nirman Bhawan, Rajpath Area, Central Secretariat, New Delhi, Delhi-110001.
4. National Medical Commission, rep. by its Chairperson, Satarkta Bhawan, G.P.O. Complex, Block A, INA, New Delhi-110023.
5. Directorate of Medical Education, rep. by its Chairman, Government of Telangana, Koti, Hyderabad, Telangana.
6. Telangana State Medical Council, Rep. by its Chairman, P. B. 523, Sultan Bazaar, Near Post Office, Opposite Womens College, Hyderabad, Telangana 500095.
7. Kaloji Narayana Rao University of Health Sciences, rep. by its Vice Chancellor, Warangal, Telangana- 506007.

8. Osmania Medical College, rep. by its Principal, 5-1-876, Turrebaz Khan Rd, Troop Bazaar, Koti, Hyderabad, Telangana 500095.
9. Gandhi Medical College, rep. by its Principal Musheerabad, MIGH Colony, Walker Town, Padmarao Nagar, Secunderabad-500003, Telangana.
10. Dr. KVV Raja Shekhar, S/o. KVV Satya Narayana Rao, Aged 33 years, Occup. Doctor, R/ o. Flat No.503, Pinnacle Pride, Umanagar Road No.1, Kundan Bagh, Begumpet, Hyderabad-500 016.
11. Dr. Kasturi Navaneeth Krishna, S/o. K.Venu Gopal, Aged 32 years, Occup. Doctor, present R/o.Tarnaka, Hyderabad and Permanent R/ o.H.No.1-49-31/ 1, Thimmapur village, Dharmapuri Mandal, Jagitial Dist PIN-505 425.
12. Dr. Khajanayab Rasool Shaik, S/o. Khaja Mastan Saheb, Aged 37 years, Occup. Doctor, R/o.Flat No.301, Sri Ranga Apartment, Seethaphal Mandi, Secunderabad-500 016.
13. Dr. Amar Erukulla, S/o. Naga Bhushanam, Aged 33 years, Occup. Doctor, R/o.Sree Lakshmi Nilaya 4203/10, Swami Vivekanda Badavane, 8th Main, 6th Cross, Davanagere, Karnataka, PIN-577 004.

(R10 to R13 are not necessary parties in this Writ Appeal)

...RESPONDENTS

I.A. NO: 2 OF 2025

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 to DIRECT the respondents 7 and 8 to forthwith release the original certificates of the Petitioners along with No-Objection Certificate for the purpose of registration and practice, pending disposal of the above Writ Appeal.

Counsel for the Appellants: SRI SREENIVASA RAO VELIVELA
Counsel for the Respondent No.1: SRI N.BHUJANGA RAO,
DEPUTY SOLICITOR GENERAL OF INDIA
Counsel for the Respondent Nos.2,5,8 & 9: SRI K.SHANTHAN RAO,
AGP FOR HIGHER EDUCATION
Counsel for the Respondent No.7: SRI T.SHARATH, SC FOR KNRUHS
Counsel for the Respondent Nos.3,4 & 6: --

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE K. LAKSHMAN
AND
THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

WRIT APPEAL No.1453 of 2025

DATE OF JUDGMENT: 28.04.2026

Between:

Dr.Ullahas Jagadish and another.

Appellants.

AND

Union of India, represented by its Secretary, Department of Health and Family Welfare, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi and others.

Respondents.

JUDGMENT *(Per Hon'ble Sri Justice K.Lakshman)*

Heard Mr.Sreenivasa Rao Velivela, learned counsel for the appellants, Mr.K.Shanthan Rao, learned Assistant Government Pleader for Higher Education appearing for respondent Nos.2, 5, 8 and 9 and Mr.T.Sharath, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences i.e., respondent No.7.

2. Feeling aggrieved and dissatisfied with the order dated 30.07.2025 passed by the learned Single Judge in W.P.No.15827 of

2025, unsuccessful writ petitioners preferred the present intra - court appeal under clause 15 of the Letters Patent.

3. Appellants joined in respondent No.8 – College in DM/MCh (Doctorate of Medicine, Master of Chirurgiae). At the time of joining, respondent No.8 - College has obtained an undertaking to serve the Government of Telangana by working in Government Hospitals for a period of two (2) years after successful completion of Super Specialty Course (if required), in case, if they fails to join as Senior Resident or in case of not completing two years of service within maximum period of 36 months, they undertook to pay a sum of Rs.50,00,000/- (Rupees fifty lakhs only) to Government in terms of G.O.Ms.No.165 of 2017, dated 06.09.2017. While joining the said course, they have submitted the originals of the following certificates to respondent No.8 – College:

i) Permanent Medical Registration Certificate (MBBS & PG);
ii) Permanent MBBS Degree Certificate;
iii) Provisional PG Degree Certificate;
iv) Internship Completion Certificate;
v) Bonafide Certificate (MBBS & PG);
vi) Conduct Certificate (MBBS & PG);

vii) SSC/CBSE (10th) Marks Memo;

viii) 12th Marks Memo;

ix) MBBS Marks Memo/Consolidated Memo;

x) PG Marks Memo/Consolidated Memo;

xi) Transfer Certificate; and

xii) Migration Certificate.

They have successfully completed the said course during the academic year 2024-2025. Even then, respondent No.8 – College has not returned the aforesaid original certificates on the ground that appellants failed to work in Government Hospitals for a period of two years in terms of the undertaking given by the appellants.

4. It is the specific contention of the appellants herein in the said writ petition that respondent No.8 – College has no power or authority to withhold the original certificates. In case of violation of the aforesaid undertaking given by the appellants, at the most, respondent No.8 – College can file a suit seeking recovery of money, but it can't withhold the certificates.

5. Learned counsel for the appellants has also placed reliance on the principle laid down by this Court in ***Malraju Suhitha v. The State of Telangana, Rep. by its Principal Secretary, Higher***

Education Department[1] and ***Ms.Bhashapaka Pragna Vardhini v. The State of Telangana, Rep. by its Principal Secretary, Higher Education Department***[2].

6. *Vide* the order dated 24.01.2020 in W.P.No.21137 of 2019, the Division Bench of this Court struck down paragraph No.7 (iii) of G.O.Ms.No.114, dated 05.07.2017 i.e., original certificates submitted by the candidates shall not be returned to them, till they complete their course of study and appear for the university examination holding it as un-constitutional. A similar view was also taken by this Court in ***Mahatma Gandhi Law College, NTR Nagar, Hyderabad v. State of Telangana***[3] and in ***Sai Lakshmi Saranya v. The State of Telangana***[4].

7. Thus, respondent No.8 – College has no lien over the original certificates of the candidates including the appellants herein. If appellants violates the aforesaid undertaking, respondent No.8 – College is entitled for an amount of Rs.50,00,000/- from the appellants on the ground of the violation of the said undertaking,

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[1] W.P.No.27361 of 2025, decided on 12.09.2025
[2] W.P.No.40238 of 2025, decided on 09.01.2026
[3] W.P.No.22417 of 2018, decided on 09.12.2022.
[4] W.P.No.25359 of 2014, decided on 29.10.2024.

respondent No.8 – College has to file a suit against the appellants seeking recovery of money but it can't withhold the original certificates of the appellants and it has no lien.

8. Mr.K.Shanthan Rao, learned Assistant Government Pleader for Higher Education appearing for respondent Nos.2, 5, 8 and 9, on instructions, would fairly submits that respondent No.8 – College has no power or authority to withhold the original certificates of the appellant.

9. Mr.T.Sharath, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences for respondent No.7, also fairly submits that respondent No.8 – College has no lien to withhold the original certificates of the appellant.

10. Without considering the said aspects, *vide* impugned order dated 30.07.2025 in W.P.No.15827 of 2025, learned Single Judge dismissed the writ petition filed by the appellants herein.

11. In the light of the aforesaid discussion, this Writ Appeal is allowed. The impugned order dated 30.07.2025 in W.P.No.15827 of 2025 is set aside. W.P.No.15827 of 2025 is allowed. Respondent No.8 - College is directed to return the original certificates i.e., i)

Permanent Medical Registration Certificate (MBBS & PG); ii) Permanent MBBS Degree Certificate; iii) Provisional PG Degree Certificate; iv) Internship Completion Certificate; v) Bonafide Certificate (MBBS & PG); vi) Conduct Certificate (MBBS & PG); vii) SSC/CBSE (10th) Marks Memo; viii) 12th Marks Memo; ix) MBBS Marks Memo/Consolidated Memo; x) PG Marks Memo/Consolidated Memo; xi) Transfer Certificate; and xii) Migration Certificate, to the appellants under due acknowledgment, within one (1) week from the date of receipt of a copy of this Judgment.

As a sequel thereto, miscellaneous applications, if any, pending in the Writ Appeal shall stand closed. There shall no order as to costs.

SD/- B.SATYAVATHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Union of India, Department of Health and Family Welfare, Ministry of Health and Family Welfare Nirman Bhawan, New Delhi-110011.
2. The Principal Secretary, State of Telangana, Medical and Family Welfare Department Secretariat, Hyderabad.
3. The Director, Directorate General of Health Services, Ministry of Health and Family Welfare, Nirman Bhawan, Rajpath Area, Central Secretariat, New Delhi, Delhi-110001.
4. The Chairperson, National Medical Commission, Satarkta Bhawan, G.P.O. Complex, Block A, INA, New Delhi-110023.
5. The Chairman, Directorate of Medical Education, Government of Telangana, Koti, Hyderabad, Telangana.

6. The Chairman, Telangana State Medical Council, P. B. 523, Sultan Bazaar, Near Post Office, Opposite Womens College, Hyderabad, Telangana 500095.
7. The Vice Chancellor, Kaloji Narayana Rao University of Health Sciences, Warangal, Telangana- 506007.
8. The Principal, Osmania Medical College, 5-1-876, Turrebaz Khan Rd, Troop Bazaar, Koti, Hyderabad, Telangana 500095.
9. The Principal, Gandhi Medical College, Musheerabad, MIGH Colony, Walker Town, Padmarao Nagar, Secunderabad-500003, Telangana.
10. One CC to SRI SREENIVASA RAO VELIVELA, Advocate [OPUC]
11. One CC to SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA [OPUC]
12. One CC to SRI T.SHARATH, SC FOR KNRUHS [OPUC]
13. Two CCs to GP FOR HIGHER EDUCATION, High Court for the State of Telangana, at Hyderabad. [OUT]
14. Two CD Copies

PSK.
PSK

CC TODAY

HIGH COURT

DATED: 28/04/2026



JUDGMENT

WA.No.1453 of 2025

ALLOWING THE WRIT PETITION
WITHOUT COSTS

17 MT
29/4/26