

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE MRS JUSTICE SURESHALLI NANDA

WRIT PETITION NO: 8126 OF 2025

Between:

A.Raghu, S/o.Late A.Thirupathaiah, Aged 19 years, Occ. Student,
R/o.Venkataipalle Village, PO. Gadderugudem, Devarkadra Mandal,
Mahabubnagar District.

...PETITIONER

AND

1. The State of Telangana, Rep. by Prl. Secretary, Department of Higher Education, Secretariat Buildings, Secretariat, Hyderabad.
2. The Registrar, Jawaharlal Nehru Technical University, Kukatpally, Hyderabad, Telangana State.
3. The Principal, Siddhartha Institute of Technology and Sciences, Narapally, Korremula Road, Ghatkesar Mandal, Medchal Malkajgiri District, Pincode.501 301.

...RESPONDENTS

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 to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus questioning the action of the respondent No.3 in withholding the custody of the original Secondary School Certificate (SSC), Intermediate Transfer Certificate, Income Certificate and Caste Certificate of the petitioner as illegal, arbitrary and unconstitutional and subsequently direct the respondent no.3 college to release the original Secondary School Certificate (SSC), Intermediate Transfer Certificate, Income Certificate and Caste Certificate of the petitioner.

IA NO: 1 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 respondent no.3 to release the original Secondary School Certificate (SSC), Intermediate Transfer Certificate, Income Certificate and Caste Certificate of the petitioner, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI NAGESHWAR RAO PUJARI

Counsel for the Respondent No.1: AGP FOR HIGHER EDUCATION

Counsel for the Respondent No.2: SRI PRABHAKAR PEPPI, SC FOR JNTU

The Court made the following: ORDER

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.8126 OF 2025

ORDER:

Heard Sri Nageshwar Rao Pujari, learned counsel appearing on behalf of the petitioner, learned Assistant Government Pleader for Higher Education, appearing on behalf of respondent No.1 and Sri Prabhakar Peri, learned Standing Counsel for Jawaharlal Nehru Technological University, appearing on behalf of respondent No.3.

2. The petitioner approached the Court seeking prayer as under:

"...to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus questioning the action of the respondent No.3 in withholding the custody of the original Secondary School Certificate (SSC), Intermediate Transfer Certificate, Income Certificate and Caste Certificate of the petitioner as illegal, arbitrary and unconstitutional and subsequently direct the respondent no.3 college to release the original Secondary School Certificate (SSC), Intermediate Transfer Certificate, Income Certificate and Caste Certificate of the petitioner and pass..."

3. The case of the petitioner in brief as per the averments made in the affidavit filed by the petitioner in support of the present writ petition is as under:

— / —

The petitioner secured 89227 rank in TGEAPCET-2024 examination conducted by respondent No.2 and allotted to respondent No.3 college and the petitioner deposited petitioner's original Secondary School Certificate (SSC), Intermediate Transfer Certificate, Income Certificate and Caste Certificate. The petitioner was allotted a seat in CEC General Department of 3rd respondent college. The Principal and management of 3rd respondent college informed the petitioner to pay the entire four years fee to a tune of Rs.4,00,000/- (Rupees Four Lakhs only) to receive original educational certificates of the petitioner against the UGC guidelines. Aggrieved by the same, the petitioner approached the Court by filing the present writ petition.

4. The learned counsel appearing on behalf of the petitioner submits that the subject issue in the present writ petition is squarely covered by the order of this Court dated 29.11.2024 passed in W.P. No.17493 of 2024 and the order dated 22.01.2025 passed in W.P. No.35290 of 2024.

5. The learned counsel appearing on behalf of the respondent Nos.1 and 2 does not dispute the said submissions made by the learned counsel appearing on behalf of the petitioner.

6. In pursuance to the directions of this Court dated 18.03.2025, the learned counsel appearing on behalf of the petitioner has taken out personal notice to the respondent No.3 herein and filed proof of the said notice *vide* Memo dated 17.06.2025 duly enclosing the original postal acknowledgment card indicating proof of service of notice upon the respondent No.3 issued by the petitioner by registered post with acknowledgment due to the respondent No.3 in compliance to the direction of this Court dated 18.03.2025 passed in W.P. No.8126 of 2025.

7. Though the matter is listed on 13.10.2025 and the Memo of Proof of service dated 17.06.2025 has been filed, yet there is no representation on behalf of the respondent No.3 when the case is called on 13.10.2025.

8. The Division Bench of this Court in its Judgment dated 24.01.2020 passed in W.P. No.21137 of 2019 in **D.Vaishnavi vs. State of Telangana** had struck down paragraph No.7 (iii) of G.O.Ms.No.114, dated 05.07.2017 i.e., original certificates submitted by the petitioner/ candidate shall not to 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 taken by this Court in ***Mahatma Gandhi Law College, NTR Nagar, Hyderabad v. State of Telangana*** vide Judgment dated 09.12.2022 passed in W.P.No.22417 of 2018. A Similar view was also taken vide Judgment of this Court dated 29.10.2024 passed in W.P.No.25559 of 2024 in ***Lakshmi Saranya v. The State of Telangana***.

9. The relevant portion of the order of this Court dated 03.06.2024 passed in W.P. No.34185 of 2023 is extracted hereunder:

6. A Division Bench of this Court vide its judgment, dated 24.01.2020 in W.P.No.21137 of 2019 dealing with withholding of original academic qualification certificates of the students observed at paragraph Nos. 29 and 30 as under:-

29. We are not expressing any opinion on the right of the 3rd respondent-College to recover amounts towards the entire course fee or the bond amount of Rs.3 lakhs from the petitioner / her parent, **but we hold that withholding her original academic qualification certificates, is impermissible in law.**

30. Therefore, the Writ Petition is allowed; the action of the 3rd respondent-College in not returning the original academic qualification certificates of the petitioner who had discontinued study of M.B.B.S. I year course in the said college, is declared as illegal, arbitrary and violative of Article 14 and 300-A of the

Constitution of India; Para no.7(iii) of G.O.MS.No.114, Health, Medical and Family Welfare (C.1) Department, dt.05.07.2017 is declared to be ultra vires the powers of the State Government under the Telangana Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983 (Act 5 of 1983); and the 3rd respondent is forthwith directed to return the original academic qualification certificates of the petitioner to her. No costs.

The Division Bench very clearly observed that withholding the original academic qualification certificates of the students is impermissible in law.

7. The High Court of Madras in K.Palanisamy Vs. Correspondent, Vidya Vikash Matriculation School and Others of Madurai Bench in WP (MD) 20726 of 2019 decided on 17.10.2019 reported in MANU/TN/6538/2019, held that certificates of students could not be held back by educational institutions citing financial dues.

8. In the judgment of the High Court of Madras, Madurai Bench in S.Muthukamatchi vs. The Director of Technical Education, Anna University and others in WP(MD) No.14394 of 2012 decided on 18.12.2012 reported in MANU/TN/2168/2012, it is observed as under:

"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."

9. In the judgment of the High Court of Delhi in Court on its own Motion Vs. Directorate of Education & Ors. in WP (C) 6658 of 2019 & CM APPL.30816.0 of 2019, dated 11.07.2019, it was held as under:-

"8. There are methods of recovering the outstanding school fees with the school. Even a suit could have been filed by Respondent No.2 upon the parents of the students, which has not been done so far. No such suit has been instituted by Respondent School for the recovery of outstanding fees.

9. In view of these facts, this Court is of the opinion that the School Leaving Certificates cannot be withheld by the respondents."

11. In S.Muthukamatch vs. The Director of Technical Education, Anna University in W.P.(MD) NC.14394 of 2012, dated 18.12.2012, the Madras High Court at Madurai Bench categorically held that certificates of student is her/his property. College cannot detain the said certificates at any rate. Even if the college has any monetary claim, the rejection of the said certificates is not the method by which the claim can be enforced. There is no lien on the certificates of the students.

12. The Madras High Court in **R.Pradeep Raj v. Commissioner, the Directorate of Technical Education** reported in 2019 SCC OnLine Mad.9385, and this Court in **Kaluri Shiva Sai Teja vs. The State of Telangana** in W.P.No.2930 of 2022, dated 24.06.2022 and **D.Vaishnavi vs. State of Telangana**, represented by its Principal Secretary Health Medical and Family Welfare, Hydeabad in W.P.No.21137 of 2019, dated 24.01.2020 and also the High Court of Andhra Pradesh at Amaravati in **Andhra Pradesh Private Unaided Schools Management Association v. The State of Andhra Pradesh** in W.P.No.9606 of 2021, dated 27.10.2021 directed the college concerned authorities to return the certificates of the students and granted liberty to the college to claim fee by availing legal remedies in similar circumstances.

14. UGC guidelines, dated 23.04.2007, in particular, paragraph No.2 reads as under:

"2. The Commission is of the view that the Institutions/Universities, by way of retaining the certificate in original, force retention of admitted students which limits the opportunities for the candidates from exercising other options of joining other institutions of their choice. However, it would not be permissible for institutions and Universities to **retain the School/Institution, Leaving Certificate, mark sheet, caste certificate and other documents in original.**"

10. This Court opines that UGC by its guidelines (referred to and extracted above) had directed the Universities, to which the

colleges like the 3rd respondent are affiliated, to initiate action when such instances are brought to their notice and in spite of the aforesaid guidelines issued by the UGC, no action is being taken, and on the other hand, students, like the petitioner, are forced to approach this Court seeking return of originals and only after orders are passed by this Court, the originals are being returned to the students, notwithstanding the fact that the colleges like the third respondent, if have any claim towards fee, the said institutions are required to initiate proceedings for recovery of fee dues and cannot resort to withholding of certificates of the students in violation of the UGC guidelines.

11. Taking into consideration:

- (a) The aforesaid facts and circumstances,**
- (b) The submissions of the learned counsel appearing on behalf of the petitioner, and the learned Assistant Government Pleader for Higher Education appearing on behalf of the respondent No.1,**
- (c) The observations made in various judgments (referred to and extracted above),**

(d) The UGC Guidelines dated 23.04.2007, in particular, paragraph No.2 (referred to and extracted above),

The writ petition is disposed of directing the respondent No.3 to release the Original Secondary School Certificate (SSC), Intermediate Transfer Certificate, Income Certificate and Caste Certificate of the petitioner, which are in the custody of the respondent No.3, duly taking into consideration the observations made in various judgments (referred to and extracted above) and also the UGC Guidelines (referred to and extracted above), within a period of one (01) week from the date of receipt of a copy of the order. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/-A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Prl. Secretary, Department of Higher Education, Secretariat Buildings, Secretariat, Hyderabad, State of Telangana.
2. The Registrar, Jawaharlal Nehru Technical University, Kukatpally, Hyderabad, Telangana State.
3. The Principal, Siddhartha Institute of Technology and Sciences, Narapally, Korremula Road, Ghatkesar Mandal, Medchal Malkajgiri District, Pincode.501 301.
4. One CC to SRI NAGESHWAR RAO PUJARI, Advocate [OPUC]

5. One CC to SRI PRABHAKAR PERI, SC FOR JNTU [OPUC]
6. Two CCs to GP FOR HIGHER EDUCATION, High Court for the State of
Telangana at Hyderabad [OUT]
7. Two CD Copies

BSR
BS

(Signature)

CC TODAY

HIGH COURT

DATED:13/10/2025

ORDER

WP.No.8126 of 2025



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

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23/10/25
Q.K.