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W.A.No.2422 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.06.2026

DELIVERED ON : 17.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

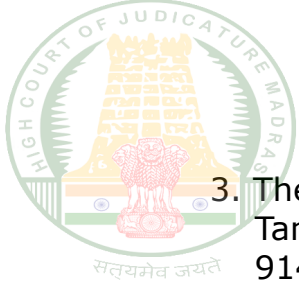
W.A.No.2422 of 2025
and CMP Nos.18594 and 18595 of 2025

Puja Kumari,
R/o. Village-Rustampur,
P.O.- Hulasganj, P.S.-Ghoshi,
District-Jahanabad, Bihar-804407,
Currently residing at
Sandhya Niwas, 69A Apartments,
Nehru Nagar, Road, No.2,
Patliputra, Patna, Bihar-800 013.

Appellant(s)

Vs

1. The Union of India
through its Secretary,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan,
New Delhi-110 011.
2. The President
National Medical Commission,
Pocket 14, Sector 8,
Dwarka Phase 1, New Delhi - 110 077.



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3. The Secretary
Tamil Nadu Medical Council,
914, Poonamallee High Road, Arumbakkam,
Chennai-600 016.

4. The Director General
National Investigation Agency,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

5. The Dean
Chettinad Academy of Research and
Education, Rajiv Gandhi Salai, OMR,
Kelambakkam, Chengalpattu,
Chennai - 603 103.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 01.04.2024 in W.P.No.22886 of 2023 passed by the learned Single Judge.

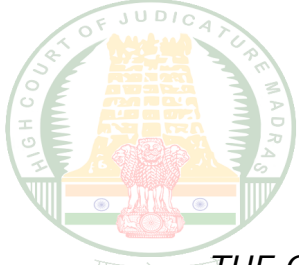
For Appellant(s): Mr.Rakesh Kumar
for Mr.T.S.Baskaran

For Respondent(s): Mrs.V.Sudha
Senior Central Government
Standing Counsel for R1 and R2.

Mr.U.Baranidharan
for R3

Mr.M.S.Krishnan
Senior Counsel
for Mr.T.Balaji
for R5.

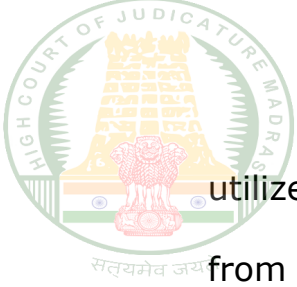
R4 - No Appearance

JUDGMENTTHE CHIEF JUSTICE

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This writ appeal has been preferred under Clause 15 of the Letters Patent against the order dated 01.04.2024 passed by the learned Single Judge in W.P.No.22886 of 2023. By the said order, the learned Single Judge dismissed the appellant's writ petition, which sought a mandamus directing the respondents to grant her the Course Completion Certificate and MBBS Degree Certificate without insisting on repayment of fees.

2.1 The nub of the matter runs thus: The appellant secured admission to the MBBS course at the fifth respondent college through the regular centralized selection process. She successfully completed the five-year academic curriculum and her subsequent Compulsory Rotatory Resident Internship (CRRI). During her tenure, fees totaling Rs. 1,13,70,500/- was periodically remitted to the college account. However, the fourth respondent, the National Investigation Agency (NIA), during the course of its criminal investigation in RC No.05/2021/NIA/RNC, unmasked that the funds



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utilized to pay the appellant's college fees were directly derived from illegal, extorted funds raised on behalf of the Communist Party of India (Maoist), a proscribed terrorist organization.

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2.2. Acting under statutory power, the NIA issued a production-cum-seizure notice to the fifth respondent college, resulting in the absolute seizure and appropriation of the entire fee amount from the college. Consequently, the fifth respondent institution withheld the appellant's completion certificates for non-realization of legitimate institutional fees. In such backdrop, the writ petition was filed and the same was dismissed, as stated supra.

3.1. Mr.Rakesh Kumar, learned counsel appearing on behalf of the appellant, contended that educational certificates cannot be retained as security or treated like financial deposits under a general lien. It was argued that certificates must be returned without insisting on immediate payment. In support of the said submission reliance was placed on a decision of a learned Single

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Judge of this Court in *S.Muthukamatchi v. The Director of Technical Education, Anna University and others*¹.

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3.2. Learned counsel for the appellant unequivocally denied any personal involvement or connection of the appellant with any unlawful or terrorist organization. He added that the appellant is a student with a clean, impeccable record who successfully cleared her medical curriculum without any blemish.

3.3. Learned counsel further submitted that no statutory authority or investigating agency has taken any direct criminal or penal action against the appellant. It is argued that she cannot be penalized with the destruction of her professional career for ongoing investigations targeting her family members.

4.1. Countering the appellant's stance, learned Senior Counsel appearing on behalf of the fifth respondent college submitted that the entire fee amount of Rs.1,13,70,500/- remitted towards the appellant's fees was appropriated by the NIA under the Unlawful

¹ 2013 (1) CTC 595



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Activities (Prevention) Act, 1967. He added that, for no fault of its own, the fifth respondent college has been completely deprived of the legitimate fees, which it is entitled to.

4.2. Learned Senior Counsel further submitted that it is the policy of the college that a completion certificate cannot be claimed unless the student settles institutional fees in full. The college cannot be forced to bear massive financial losses and effectively fund the education of a student whose source of payment is identified as proceeds of crime.

5. We have heard the learned counsel for the respective parties and meticulously perused the documents placed on record.



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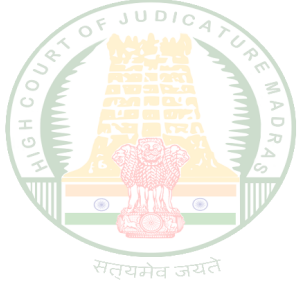
6. The foundational principle invoked by the appellant regarding the absence of a lien on certificates is generally sound in disputes between an institution and a student pertaining to non-serving of the bond period, etc. In such cases, the principle enunciated by the Supreme Court, as has been reiterated by us in *the Dean, Chettinad Hospital and Research Institute and another v. P.Karthikayan and another*², is as under:

*"9. In a catena of judgments, the Supreme Court held that educational certificates are not marketable commodities and, 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*³, 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

² Judgment dated 8.4.2026 in W.A.No.2674 of 2024

³ Judgment dated 6.10.2022 passed in W.A.No.2256 of 2022, etc.



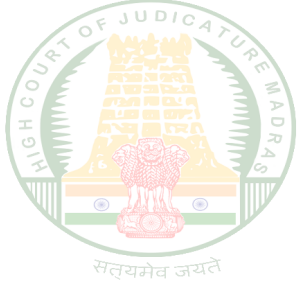
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that since the bond conditions have not been fulfilled, they would not return the certificates.

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."



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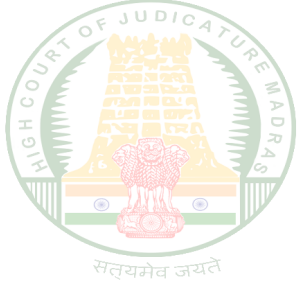
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10. A similar view was taken by a learned Single Judge of this Court in *M.Kesavan v. The Principal, Cheran College of Pharmacy and others*⁴. The said decision was alluded to by another learned Single Judge of the Rajasthan High Court in *Eshita Gupta v. Jaipur National University and another*⁵, 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 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***

4 2024 MHC 1430

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



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retaining the original documents of a student.'

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."

[emphasis supplied]

7. However, the case at hand presents an extraordinary and intricate factual matrix involving national security, terrorist funding, and criminal asset seizure under the Unlawful Activities (Prevention) Act, 1967. The charge-sheet submitted by the NIA specifically arrays the appellant's immediate family members, namely her brother Tarun Kumar (A-1) and her paternal uncle Pradyuman Sharma (A-2), as key operational masterminds raising extorted funds for a banned terrorist outfit. The investigation established that the funds transferred into the bank account of the fifth

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respondent college towards the appellant's education were directly traceable back to these illegal terrorist funding.

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8. While it may be true that the appellant is not directly arrayed as an accused in her individual capacity, she cannot assert an equitable right to benefit from the fruits of a crime. The moment the NIA seized and appropriated the fee amount from the college, the appellant's account with the institution legally defaulted to an unpaid status. The fifth respondent, a private institution, has already utilized its resources, infrastructure, and faculty to train the appellant. Forcing the institution to release the certificates when it has effectively received zero clean currency for her education would be a gross miscarriage of equity and justice. In our firm view, the learned Single Judge rightly held that the fifth respondent college is not obligated to release the certificates until its rightful dues are reimbursed by clean, untainted means.

9. If the appellant maintains her absolute innocence and claims the funds were legitimate, her remedy lies in approaching the competent Special Court for the release of the seized funds

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from the NIA. She cannot compel a private educational institution to take on the burden of litigation against the NIA to retrieve the fees paid by the appellant, which was appropriated.

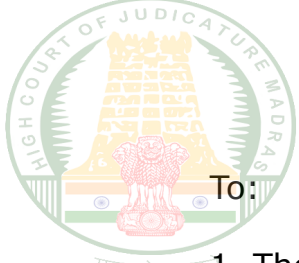
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10. The judgment delivered by the learned Single Judge is well-reasoned and rightly protects the financial autonomy of fifth respondent/college while leaving it open for the appellant to deposit the requisite fees anew and claim her certificates. No grounds for interference are established.

Accordingly, the writ appeal is dismissed and the order of the learned Single Judge dated 01.04.2024 is hereby confirmed. There shall be no order as to costs. Consequently, connected interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
17.06.2026

Index : Yes
Neutral Citation : Yes
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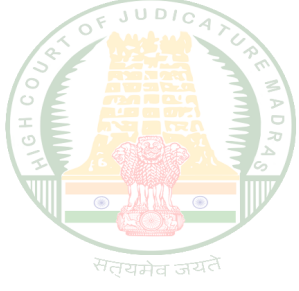


To:

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

(sasi)

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