

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

WRIT PETITION No. 14827 OF 2025

Between:

M KARTHIKEYA DEGREE COLLEGE, SANTHAMAGURU (VIL & MDL)
PRAKASAM DISTRICT, REP. BY ITS SECRETARY & CORRESPONDENT,
P. YASHODA SIVA REDDY S/O VENKATA SESHIAH PAPIJENNI AGED
50 YRS. AND OTHERS

.... Petitioners

AND

THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, HIGHER
EDUCATION DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT. A.P. AND OTHERS

.... Respondents

DATE OF JUDGMENT PRONOUNCED: **25.07.2025**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE G. RAMAKRISHNA PRASAD

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|---|----------|
| 1. Whether Reporters of Local Newspapers
may be allowed to see the judgment? | Yes / No |
| 2. Whether the copies of judgment may be
marked to Law Reporters / Journals? | Yes / No |
| 3. Whether His Lordship wish to
see the fair copy of the Judgment? | Yes / No |

G. RAMAKRISHNA PRASAD, J

*** THE HON'BLE SRI JUSTICE G. RAMAKRISHNA PRASAD**

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AMARAVATHI, GUNTUR DISTRICT. A.P. AND OTHERS

.

.... Respondents

! Counsel for Petitioner : Smt. Y. Anupama Devi, learned Counsel
for the Writ Petitioners

^ Counsel for Respondents : Sri Dammalapati Srinivas, learned
Advocate General briefed by Sri M.
Chalapathi, learned Standing Counsel for
Respondent Nos.2 & 3

< Gist:

> Head Note:

? Cases referred:

1. (2002) 8 SCC 481
2. (2023) 1 HCC (Del) 103; 2023 SCC OnLine Del 202; 2023/DHC/000380
(Neutral Citation) (W.P.(C) 584/2023, decided on 17.01.2023)
3. 2017 SCC OnLine Ker 2660 (W.P. (C) No.1275 of 2017, decided on
20.02.2017)
4. 2017 SCC OnLine Ker 12212
5. MANU/OR/0274/2020 (W.P.(C) No. 20027 of 2020, decided on
16.09.2020)
6. (2019) 2 KHC 669; MANU/KE/1608/2019

7. 2012 SCC OnLine Mad 5165
8. 2023 SCC OnLine AP 1478 (W.P.No.14468 of 2023, decided on 03.07.2023)
9. MANU/PH/2282/2023; 2023:PHHC:124007 (Neutral Citation)
10. (2013) 1 SCC 223

APHC010298342025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3328]

FRIDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 14827/2025

Between:

- 1.KARTHIKEYA DEGREE COLLEGE, SANTHAMAGURU (VIL AND MDL) PRAKASAM DISTRICT, REP. BY ITS SECRETARY AND CORRESPONDENT, P. YASHODA SIVA REDDY S/O VENKATA SESHIAIAH PAPIJENNI AGED 50 YRS.
- 2.SRI GOWTHAMI DEGREE COLLEGE,, YARRAGONDAPALEM (VIL AND MDL) PRAKASAM DISTRICT, REP. BY ITS SECRETARY AND CORRESPONDENT, KANUMALLA GUNDA REDDY S/O PITCHI REDDY, AGED 50 YRS,
- 3.SRI GOWTHAMI DEGREE COLLEGE,, SANTHANUTHALAPADU (VIL AND MDL) PRAKASAM DISTRICT, REP. BY ITS SECRETARY AND CORRESPONDENT, KANUMALLA GUNDA REDDY S/O PITCHI REDDY, AGED 50 YRS,
- 4.SRI GOWTHAMI DEGREE COLLEGE,, DONAKONDA (VIL AND MDL) PRAKASAM DISTRICT, REP. BY ITS SECRETARY AND CORRESPONDENT, KANUMALLA GUNDA REDDY S/O PITCHI REDDY, AGED 50 YRS,
- 5.SRI GOWTHAMI DEGREE COLLEGE,, DARSI (VIL AND MDL) PRAKASAM DISTRICT, REP. BY ITS SECRETARY AND CORRESPONDENT, KANUMALLA GUNDA REDDY S/O PITCHI REDDY, AGED 50 YRS,
- 6.SRI GOWTHAMI DEGREE COLLEGE,, CHIMAKURTHY (VIL AND MDL) PRAKASAM DISTRICT, REP. BY ITS SECRETARY AND

CORRESPONDENT, KANUMALLA GUNDA REDDY S/O PITCHI REDDY, AGED 50 YRS,

7. MAHATMA GANDHI COLLEGE,, GUNTUR- (VIL AND MDL) GUNTUR DISTRICT REP. BY ITS DIRECTOR, KANUMALLA GUNDA REDDY S/O PITCHI REDDY, AGED 50 YRS

8. SSR DEGREE COLLEGE, MARKAPUR(VIL AND MDL) PRAKASAM DISTRICT, REP. BY ITS SECRETARY AND CORRESPONDENT, KANUMALLA GUNDA REDDY S/O PITCHI REDDY, AGED 50 YRS,

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. A.P.

2. ACHARYA NAGARJUNA UNIVERSITY, REP. BY ITS REGISTRAR NAGARJUNANAGAR VILLAGE, GUNTUR,

3. THE ADDL CONTROLLER OF EXAMINATIONS, ACHARYA NAGARJUNA UNIVERSITY, NAGARJUNA NAGAR VILLAGE, GUNTUR .A.P.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. Y ANUPAMA DEVI

Counsel for the Respondent(S):

1. GP FOR HIGHER EDUCATION

2. M. CHALAPATHI SC For Nagarjuna University

The Court made the following:

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 14827/2025

ORDER:

Heard Smt. Y. Anupama Devi, learned Counsel for the Writ Petitioners and Sri Dammalapati Srinivas, learned Advocate General briefed by Sri M. Chalapathi, learned Standing Counsel for Respondent Nos.2 & 3.

2. The present Writ Petition is filed with the following prayer:

“For the reasons stated above it is therefore prayed that this Hon’ble Court may be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd Respondents issued Proc.No.ANU/ACE’s office/UG Exams/2025 dated 7-5-2025 and not declared the Result of the petitioners College Degree 6th semester 2022-2025 batch Examinations results by issuing Marks Memos to the Petitioners Degree Colleges as being illegal, arbitrary, improper unjust and violate of Articles 14,19 and 21 of Constitution of India, framed thereunder and the Andhra Pradesh Universities Act, 1991 and consequently direct the Respondents forthwith to Suspend the operation of the Proc.No.ANU/ACE’s office/UG Exams/2025 dated 7-5-2025 while declare results of the 6th semester Degree Examination by issuing Marks Memos for the academic session 2022-2025 to the petitioners Degree Colleges and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

Submissions of Writ Petitioners/Degree Colleges:

3. The Petitioners are the Degree Colleges in various districts of Andhra Pradesh. All these Colleges are affiliated to Acharya Nagarjuna University (Respondent No.2). These Colleges have filed the present Writ Petition seeking a Writ of Mandamus against Respondent Nos.2 & 3 for declaration of results of Final Year/3rd Year Degree Examinations (VIth Semester 2022-2025).

4. Smt. Y. Anupama Devi, learned Counsel for the Writ Petitioners would submit that the Writ Petitioner Colleges have fallen due to the Respondent No.2 (University) some arrears of amounts. The primary contention put forth by the Writ Petitioner Colleges for non-remittance of arrears due to the University is because the Government of Andhra Pradesh had failed to disburse the Scholarships on a timely basis.

5. It is the contention of the learned Counsel for the Writ Petitioners that the Government of Andhra Pradesh has introduced a Scheme to reimburse the Tuition Fee of the Students who got admission in various degree colleges.

6. It is the contention of the learned Counsel for the Writ Petitioners that for the past few years, the Tuition Fee was remitted by the Government into the bank accounts of the parents of the Students and parents have committed default of remitting the fee and huge arrears have mounted. This apart, even for the recent Academic Years, the Government of Andhra Pradesh has not been remitting the fee within time.

7. The learned Counsel for the Writ Petitioner Colleges would also contend that even if there are dues that are to be paid by the Colleges to the University, that by itself cannot be a reason to withhold the result of the Students, inasmuch as the career of the Students is involved and delay in publication of result would put the Students to great prejudice. It is further contended that when the Petitioner Colleges approached the Respondent No.3 (Additional Controller of Examination), the Writ Petitioner Colleges were informed that the said results would be released only after payment of the

Affiliation Fees and other dues for the Academic Year 2024-2025. It is contended that the Writ Petitioner Colleges have complied with all the conditions including payment of Affiliation Fee to the University. It is submitted that there is some delay in remitting this Fee, which is primarily due to the Non-disbursement of Scholarships by the Government for the Academic Year 2024-2025 and that due to this Non-disbursement, the Writ Petitioners suffered financial difficulty that has severely impacted the functioning of the Colleges.

8. It is submitted that the withholding of the result of the Students has already deprived them of completing their backlog subjects.

Submissions by the Respondent - University:

9. Respondent No.2 - University and Respondent No.3 - the Additional Controller of Examinations of Respondent No.2 - University have filed a common Counter-Affidavit on 01.07.2025.

10. It is stated in the Counter-Affidavit that the Writ Petitioners have suppressed the real facts and have presented a distorted picture; that, with an intent to mislead this Court, the present Writ Petition is filed under the guise of acting in the interest and welfare of Students; that the Petitioners are in default regarding the payment of Affiliation Fees for previous Academic Years, despite having admitted Students in those years; and that the Petitioners have not furnished the Examination-Galleys nor have they deposited the full Examination Fees collected from the Students; that only a Nominal Token Fee has been made by the Writ Petitioners; that the University has issued

Notification No.ANU/UG/Regular Exams/2025, dated 01.02.2025, requiring all the Affiliated Colleges to submit valid Affiliation Orders along with the list of approved Courses, however, for reasons best known to the Petitioners, they have not submitted the required information; that the Writ Petitioners have violated the mandatory requirements of securing affiliation and remittance of requisite Affiliation Fee for the Academic Year 2024-2025; that all the Petitioners put together are due to the University a sum of Rs.32,32,089 as on date; that the Petitioner Colleges have failed to undergo inspection by expert Committees as mandated under Clause 7 (2) (b) of the Nagarjuna University Regulations, 2018, for verification of human resources and infrastructural facilities; that the Writ Petitioners have failed to submit an Action Taken Report demonstrating the compliance with the recommendations of such Inspection Committees.

11. It is further stated in the Counter-Affidavit that the Writ Petitioners have, in fact, collected the Examination Fee from the Students but have failed to remit the same in favour of the Respondent University except the remittance of a 'Nominal Token Amount'; that it is specifically averred by the Respondent University that lack of proper affiliation has far-reaching adverse consequences on the Students who are intending to pursue Higher Education either abroad or in India. It is also submitted that lack of affiliation would create severe hardship to the Students inasmuch as the Qualifications obtained by them would not be recognized without there being affiliation to the respective Colleges. However, the Respondents have also stated in the Counter-Affidavit

that the Writ Petitioners have received a substantial amount in terms of the Scholarships; that the Government has reimbursed an amount of Rs.7,93,17,000/- in terms of Scholarship for the Academic Years 2021-2022 to 2024-2025, which is in sharp contrast to the outstanding affiliation dues of Rs.32,32,089/- owed to the Respondent University.

12. It is also contended that the plea raised by the Writ Petitioners that the Students could not clear their backlogs due to the inaction of the Respondent University is factually incorrect, inasmuch as the VIth Semester Examination consisted solely of a viva-voce component in which the success is 100%. It is, therefore, contended that the plea of the Writ Petitioner Colleges that Students could not clear their backlogs is not only factually incorrect but also misleading.

13. Para 24 of the Counter-Affidavit is usefully extracted hereunder:

“It is submitted that, as per the said Notification dated 01.02.2025, the petitioner colleges were required to remit the Examination Fee of Rs.470/-, Original Degree Certificate Fee of Rs.1,045/-, and Consolidated Marks Memo Fee of Rs.1,200/-, totaling Rs.2,715/- per student, on or before 24.02.2025. In cases of delayed payment, a late fee of Rs.100/- per student was permitted, with the extended deadline being 28.02.2025. Additionally, the last date for submission of examination galleys, in triplicate, along with the necessary documentation including affiliation orders for the academic year 2024-2025, was 03.03.2025. The internship Viva-Voce examinations for VI Semester Regular (Y22 Batch) and Supplementary candidates (Y20 and Y21 Batches) were scheduled to be conducted from 25.03.2025 to 01.04.2025. Despite these clearly stipulated timelines, the petitioner institutions failed to comply with the mandatory procedural requirements.”

14. In Para 20 of the Counter-Affidavit, the Respondent University has submitted the details of arrears in a tabular form. The said table is usefully extracted hereunder:

Sl. No	Petitioner College	No. of students appeared in 6th semester	Examination fee due including OD & CML fee	As per receipts exhibited by the Petitioner Colleges	Remaining due Rs.
1.	Karthikeya Degree College, Prakasam Dist.	24	65,160	65,160	0
2.	Sri Gowthami Degree College, Yarragondapalem, Prakasam Dist	94	2,55,210	1,42,410	1,12,800
3.	Sri Gowthami Degree College, Santhanuthalapadu, Prakasam Dist	0	0	0	0
4.	Sri Gowthami Degree College, Donakonda, Prakasam Dist	19	51,585	32,755	18,830
5.	Sri Gowthami Degree College, Darsi, Prakasam Dist.	126	3,42,090	1,92,045	1,50,045
6.	Sri Gowthami Degree College, Chimakurthy, Prakasam Dist	32	86,880	41,095	45,785
7.	Mahatma Gandhi College, Guntur	78	2,11,770	2,11,770	0
8.	SSR Degree College, Markapur, Prakasam Dist.	78	2,11,770	1,18,170	93,600
Total		451	12,24,465	8,03,405	3,21,061

15. It has been specifically stated in Para 24 of the Counter-Affidavit that the Writ Petitioner Colleges have not even obtained affiliation for the Academic Years 2021-2022, 2022-2023, 2023-2024 and 2024-2025. It is also stated that the proof of remittance of Affiliation Fees exhibited by the Petitioner Colleges pertains only to Karthikeya Degree College, Prakasam District; Mahatma Gandhi College, Guntur; and Sri Gowthami Degree College, Darsi,

only for the Academic Year 2021-2022 and that none of the other Petitioner Colleges have produced any Affiliation Fee Receipts for the Academic Years stated above. It is also contended that by willful default on the part of the Writ Petitioners, the said Writ Petitioners have irresponsibly jeopardized and compromised with the Academic interest and future prospects of the Students.

Rejoinder by Writ Petitioners/Colleges:

16. In the Rejoinder filed by the Writ Petitioners, it has been stated that with regard to the College Tuition Fee for the Academic Years 2023-2024 and 2024-2025, the Government has deposited the Tuition Fee only in respect of the First Quarter for both the Academic Years. In the other words, the Government had deposited the Tuition Fee of the Students for the First Quarter of the Academic Year 2023-2024 and also First Quarter of the Academic Year 2024-2025. It is also stated in the Rejoinder that due to the non-payment of Fee for three Quarters consequently for both the Academic Years, the Writ Petitioners are suffering financial constraint, which is the reason for non-payment of Affiliation Fee.

Analysis:

17. In the light of the above contentions, the following issues fall for consideration before this Court:

- i. Whether the University is entitled to withhold the results of the Students?*
- ii. Whether the career and the future prospects of the Students would in any way be affected due to the coercive action adopted*

by the University by withholding the Viva-voce results of the Students with a condition to publish the result only when dues are cleared by the Writ Petitioner Colleges?

- iii. Whether the Educational Careers pursued by the Students and their 'Right to Life' under Article 21 of the Constitution of India could be treated as 'Merchandise' that can be used as objects of barter-trade either by the Colleges or by the Universities?*
- iv. Who is the real victim? Whether the Writ Petitioner Colleges? Or Whether it is the Respondent University? Or Whether the Student Community studying in the Writ Petitioner Colleges?*
- v. Whether the impugned action of the University in withholding the result of the Viva-voce Examinations of the Students studying in the Writ Petitioner Colleges is opposed to Public Policy?*

18. The facts, as discussed hereinabove, are not in dispute except with regard to the reimbursement of the Scholarship Fee. While the Writ Petitioner Colleges, on the one hand, cry foul with regard to the financial constraints suffered by them on account of the non-reimbursement of the Scholarship Fee, the Respondent University, on the other hand, cries foul against the Writ Petitioner Colleges for non-clearance of arrears due to the University under various heads.

19. One admitted fact that stares in the face of the Writ Petitioner Colleges as well as the Respondent University is that the result of the Viva-voce Examination in respect of the VIth Semester for the Academic Years 2022–

2025 of the Students studying in the Writ Petitioner Colleges have been withheld by the Respondent University. None can deny the fact that the precipitative casualties emanating out of this pernicious-practice are the careers and the future prospects of the innocent Students. The Writ Petitioners as well as the Respondents have consciously put the careers and the future prospects of the Students as a bait to bargain with each other.

20. Even the judicial dicta handed down by the hierarchy of Constitutional Courts do not seem to deter either the Writ Petitioner Colleges or the Respondent University with regard to withholding of the result of the Viva-voce Examinations.

21. The Hon'ble Apex Court, as well as various High Courts of this Country, have placed the careers and future prospects of Students pursuing various courses in a pivotal position by according paramount importance. Way back in the year 2002, the Hon'ble Apex Court held that education is essentially carried out with a charitable objective, treating it as a kind of service to the community. In ***T.M.A. Pai Foundation v. State of Karnataka : (2002) 8 SCC 481***, the Hon'ble Apex Court, in para 20, has held as under:

“20. Article 19(1)(g) employs four expressions viz. profession, occupation, trade and business. Their fields may overlap, but each of them does have a content of its own. Education is per se regarded as an activity that is charitable in nature (see State of Bombay v. R.M.D. Chamarbaugwala [AIR 1957 SC 699 : 1957 SCR 874]). Education has so far not been regarded as a trade or business where profit is the motive. Even if there is any doubt about whether education is a profession or not, it does appear that education will fall within the meaning of the expression “occupation”. Article 19(1)(g) uses the four expressions so as to cover all activities of a citizen in respect of which income or profit is generated, and which

can consequently be regulated under Article 19(6). In Webster's Third New International Dictionary, at p. 1650, "occupation" is, inter alia, defined as "an activity in which one engages" or "a craft, trade, profession or other means of earning a living."

22. While reiterating this principle that Education is a charity, which is a kind of community service, a learned Single Judge of the Hon'ble High Court of Delhi, in ***Master Prabhnoor Singh Virdi (Minor son) through Karamjeet Singh Virdi (Father) vs The Indian School & Anr., (2023) 1 HCC (Del) 103; 2023 SCC OnLine Del 202; 2023/DHC/000380 (Neutral Citation) (W.P.(C) 584/2023, decided on 17.01.2023)***, held in paras 18 and 23 as under:

*"18. Thus, a child cannot be made to suffer and not be allowed to attend classes or barred from taking examinations in the middle of an academic session on the ground of non-payment of fees. **Education is the foundation, which shapes the future of a child and which in turn shapes the future of the society in general. Therefore, not allowing a student to take examinations, especially the Board Examinations, would be infringement of the rights of a child akin to Right to Life as guaranteed under Article 21 of the Constitution of India. Supreme Court has expanded the rights under Article 21 of Constitution of India and education is certainly one of the important rights which would be encompassed under right to life. In furtherance of the same, Article 21A of the Constitution of India provides for Right to Education, wherein the State has been ordained to provide free and compulsory education to all children of the age of 6 to 14 years.** (emphasis supplied).*

23. Therefore, the rights of a child to education has to be balanced with the rights of the school under the DSER, 1973. If the petitioner is unable to pay the fees of the school, the petitioner certainly does not have a right to continue education in the school in question. However, the petitioner cannot be tormented in this manner in the middle of the academic session. The academic year of the petitioner cannot be allowed to be wasted, since the current academic session is almost at its end. Further, it is also pertinent to note that the petitioner is currently in Class 10th, for which registration with the CBSE for

appearing in Class 10th Board Examination has already taken place. Therefore, at this juncture, the petitioner cannot be directed to take admission in a new school, when the current academic session has almost ended and the Board Examinations are round the corner. Not allowing the petitioner to take up the Board Examinations would put the petitioner at a great hardship and the petitioner would suffer irreparable harm if he is not allowed to take up the examination. Therefore, considering the facts and circumstances of the present case, it is deemed expedient that the prayers as made in the present writ petition are allowed and the petitioner child is permitted to take the Class 10th Board Examinations."

23. The learned Single Judge of the Hon'ble High Court of Kerala, in ***Shirren M.T. and Others vs State of Kerala : 2017 SCC OnLine Ker 2660 (W.P. (C) No.1275 of 2017, decided on 20.02.2017)***, held in para 10 as under:

*"10. The case of the College is that since the petitioners have not fulfilled their bonded obligation, the College is entitled to withhold their certificates. The petitioners do not admit their liability. In other words, the certificates of the petitioners are withheld by the College for enforcing a disputed liability. Even assuming that the agreement/bond executed by the petitioners in favour of the College authorising the College to withhold their certificates is not void for want of consideration, the question arises is whether the certificates of the petitioners can be withheld for enforcing a disputed liability...
....Certificates of education/qualification are very important documents as far as students are concerned. Non availability of the certificates establishing educational qualifications may result in deleterious consequences as far as students are concerned, for, the same are the first and foremost documents insisted for employment and higher studies. It is trite that whatever tends to injustice of operation, restraint of legal rights, whatever tends to the obstruction of justice and whatever is against the morals can be said to be against public policy. In other words, matters which concern the public good and the public interest connote the public policy. [See P. Rathinam v. Union of India (1994) 3 SCC 394]. It is also trite that the principles governing public policy are capable, on proper occasion, of expansion*

or modification and the court in a given case is empowered to declare a practice as opposed to public policy in consonance with public conscience and in keeping with public good and public interest. [See Central Inland Water Transport Corporation v. Brojo Nath Ganguly [(1986) 3 SCC 156] and State of Rajasthan v. Basant Nahata [(2005) 12 SCC 77]. The agreements obtained by the College from the petitioners authorising them to withhold the certificates of the petitioners for payment of the amounts covered by the bonds, if any, executed by the petitioners, cannot be accepted as an approved social conduct and the same, in that sense, is unethical. Further, agreements of that nature are against public good and public interest as well. In the circumstances, even assuming that the agreement/bond executed by the petitioners in favour of the College authorising them to withhold their certificates is not void for want of consideration, the same is void as opposed to public policy, in the light of Section 23 of the Indian Contract Act.” (emphasis supplied)

24. The above judgment of the learned Single Judge has been upheld by the Division Bench of the Hon’ble High Court of Kerala in **W.A.No.493 of 2017, vide order dated 22.03.2017 : 2017 SCC OnLine Ker 12212.**

25. The Division Bench of the Hon’ble High Court of Orissa, in **Dipesh Ku. Padhihari vs Hi-Tech Medical College & Hospital and Others, MANU/OR/0274/2020 (W.P.(C) No. 20027 of 2020, decided on 16.09.2020),** held as under:

“Even the University Grants Commission (UGC) has issued warning to universities’ and colleges against retention of original documents of the admitted students No institutions can take any original certificate into their custody to use it as a tool to bargain or threaten the students with some unknown or disputed claims. In similar vein, All India Council for Technical Education (AICTE) has also issued instructions to all the technical institutions in the country not to retain original certificates of the students. Hence, the practice of withholding original Certificates of the students and not returning them to

the students is completely illegal as the certificates are the most valuable property of the students, it cannot be withheld by the college for any reasons, in violation of rule of law. (emphasis supplied)

Similar sentiments have succinctly echoed by Madras High Court in **Muthukamatchi Vrs. Director of Technical Education, Anna University, Guindy, Chennai [W.P.(MD) No.14394 of 2012 (Madras High Court)]**, which has categorically held that the certificates are not fixed deposit receipts on which, the college can claim a general lien. It is a valuable property of every student. Hence, the certificates cannot be allowed to be retained at any rate.”

26. The Division Bench of the Hon’ble High Court of Orissa in **Dipesh Ku. Padhihari vs Hi-Tech Medical College & Hospital and Others, MANU/OR/0274/2020 (W.P.(C) No. 20027 of 2020, decided on 16.09.2020)** has also held that withholding of the hard-earned certificates of the Students, at the whims and fancies of the Colleges do not portray a good picture of the Education System in the Country.

27. The Hon’ble High Court of Kerala in the case of **Neethu J. vs. State of Kerala and Ors. : (2019) 2 KHC 669; MANU/KE/1608/2019**, held as under:

“...the original documents of the student are not given by her as a collateral security for ensuring payment of liquidated damages. **The documents of a student are required by the student for her professional and career prospects and those are all personal documents** which will not earn any amount to respondents 4 and 5, and it cannot be utilized by the said respondents for the purpose of realizing the alleged liquidated damages by selling, mortgaging or in any manner providing the same as a security. Moreover, the respondents are unable to show any Statute enabling the management to detain personal certificates of a student other than the clause contained under Ext. R5(a).
...by providing such a clause under Ext. R5(a) Government Order, a coercive tactics is employed against the student to realize money from the student, without even adjudicating the issue with respect to any liquidated damages suffered by the management. Looking at that

angle, such a clause contained under the Government Order is against the public policy liable to be interfered with by this Court under Article 226 of the Constitution of India.” (emphasis supplied).

28. In **S. Muthukamatchi vs The Director of Technical Education, Anna University : 2012 SCC OnLine Mad 5165**, the Madras Bench of the Hon’ble High Court of Madras had categorically held that the Certificates of a Student are his or her property, and that the College must not detain the Certificates under any circumstances. Even if the College has any monetary claim, withholding the Certificates is not the method by which the claim can be enforced, because there is no lien on the Certificates of the Students by the College.

29. The learned Single Judge of this Court in **Doolla Mahesh Yadav vs. State of Andhra Pradesh : 2023 SCC OnLine AP 1478 (W.P.No.14468 of 2023, decided on 03.07.2023)** held as under:

*“9. The admitted fact is that the petitioner submitted his certificates at the time of admission to the respondent No. 4-Institution. **It is also a fact that the petitioner was admitted into the respondent No. 4 due to the fee reimbursement because he hails from Backward Community i.e. BC-D category and his family status purely depends on the claim for pursuing the education but in view of the withdrawal of the reimbursement scheme for PG students, the petitioner was constrained to leave the Institution. In such an event which is not in the control the petitioner and in view of the withdrawal of the reimbursement scheme by the respondent No. 1/State, the petitioner cannot be penalized even the reason by the College for collecting any amount due from the petitioner is by other means, it cannot be by way of withholding the certificates at the cause of life of the student.** Therefore, in view of the submissions made, the respondents are directed to release the certificates of the petitioner within a period of two weeks from the date of receipt of the copy of this order.” (emphasis supplied)*

30. The learned Single Judge of the ***High Court of Punjab and Haryana at Chandigarh in Meena Kumari vs State of Punjab and Others : MANU/PH/2282/2023; 2023:PHHC:124007 (Neutral Citation)***, held in para 14 as under:

“14. The case of the petitioner is on a higher footing than the case of the petitioners in the above two cases inasmuch as it is not in dispute **that the petitioner(s) belong to Scheduled Castes Community and are covered under the Post Matriculation Scholarship Scheme and are not required to pay the fee, on account of non-payment of which, the respondent No.3-University has withheld the result/original detailed marks certificate/degree/Migration Certificate and other documents. The said payment has to be made by respondent No.4 to respondent No.3 and respondent No.4 in turn has to seek reimbursement of the same from the State Government. On account of the inter se dispute between respondent No.4, respondent No.3 and the State, the petitioner(s) who are bona fide students cannot be made scapegoats. In case, the documents i.e., result/original detailed marks certificate/degree/Migration Certificate and other documents of the petitioner are not released, then the petitioner(s) would suffer irreparable loss and would not be able to pursue their further studies. Even, in case some money is due from the petitioner(s), then also, respondent Nos.3 and 4 cannot withhold the result/original detailed marks certificate/degree/Migration Certificate and other documents of the petitioner and the only remedy with them is to institute appropriate proceedings for recovery of money.**” (emphasis supplied)

31. The above-cited Judgments would indicate that the career and future prospects of Students have been placed on a pedestal, keeping them beyond the reach of Colleges and Universities. Although the cases cited hereinabove deal with the withholding of various certificates belonging to Students for various reasons, the Judicial Principles that can be deduced from the

aforementioned decisions are that the career and future prospects of Students are made sacrosanct and immutable by elevating them to the level of a Fundamental Right under Article 21 of the Constitution of India.

32. If the withholding of Students' Certificates is one of the modes adopted either by the Universities or the Colleges, such a practice has been treated as pernicious and perverse and accordingly deprecated by the Hon'ble Apex Court as well as various High Courts on multiple occasions. Withholding of the result by the University, as in the present case, is also one such nuance inasmuch as the end result is that the Student Community would suffer. There is not much difference between the withholding of results, as in the present case, and the withholding of Students' Certificates, inasmuch as both actions seek to achieve the same affect which would eventually mar the careers and future prospects of the innocent Students for no fault of theirs.

33. The dispute is essentially between the Colleges and the University, insofar as the recovery of money is concerned. Unfortunately, both have chosen to treat the careers and future prospects of the students as 'merchandise', which ought not to have been done at all. This extreme and perverse method adopted by the University shakes the ethical foundations of our educational system and also the very object for which the University has been founded. The University is a temple of higher learning, with its paramount, if not the sole object is to impart Education. The purpose of imparting Education is for shaping the careers and future of the Students, which is also the part of Nation-building. It appears to this Court that the

whereas, the Respondent University seem to have manifestly forgotten its primordial and indispensable function of imparting education, as is evident from the impugned action it has resorted to.

34. It is not as if the Court is oblivious of the recoveries that the Respondent ought to make from the Writ Petitioner Colleges. The University could have adopted even the extreme coercive method to compel the Colleges to cough-up the arrears, without using the examinations results of the Students as a 'merchandise' to bargain with the Colleges. After all, these innocent Students have nothing to do with this dispute and are in no way a part of this dispute.

35. The Hon'ble Apex Court has sounded a word of caution in the case of ***National Council of Teacher Education and Another vs. Venu's Public Education Society and Others*** ; (2013) 1 SCC 223, in para 3, as under:

"3. It is to be clearly stated that an institution that is engaged or interested in getting involved in imparting a course for training has to obey the command of law in letter and spirit. There cannot be any deviation. But, unfortunately, some of the institutions flagrantly violate the norms with adamant audacity and seek indulgence of the court either in the name of mercy or sympathy for the students or financial constraint of the institution or they have been inappropriately treated by the statutory regulatory bodies. None of these grounds justify deviation. The case at hand graphically depicts deviations but the High Court, putting the blame on the statutory authority has granted relief to the respondent institution which is impermissible."

36. Any number of judicial dicta handed down by the Courts of law do not tend to cause even a dent in the pachydermic approach of the University.

37. In view of the categorical directions of various High Courts and the Hon'ble Apex Court to the effect that the Certificates of the Students cannot be withheld at any cost, since it affects the careers of the Students, it appears that various institutions, including the State-run Institutions, have devised an ingenious method of "Official Blackmail" by withholding the results of the Students, although the Students did not partake in the present cause of action.

38. In the present case, the Writ Petitioner Colleges have claimed themselves to be the victims of high-handedness on the part of the University. The University, on the other hand, claims to be the victim of non-payment of arrears due to it from the Writ Petitioner Colleges. However, the real adverse effect has befallen on the Students due to the withholding of their results, while admittedly, the Students are the real innocent victims.

39. In the ultimate analysis, this Court would have no hesitation to hold that the University is not entitled to withhold the Viva-voce Examination results of the Students on the ground that the Colleges have not cleared the arrears due to the University. The impugned action would affect only one class, namely, the Student Community, thereby marring their careers and future prospects, which is a violation of the Right to Life under Article 21 of the Constitution of India. There is no doubt that the Writ Petitioner Colleges, as well as the University, have treated the careers and future prospects of the Students as 'Items of Merchandise' which can be traded or used for blackmail.

40. In view of the law laid down, as discussed above, it is held that the impugned action of the Respondent University in withholding the result of the Viva-voce Examination is not only opposed to public policy but is also unethical and grossly perverse. It is unfortunate that a Public Institution like that of the University has resorted to this method without even realizing the fact that the ultimate victims would be the Students who are pursuing their courses, inasmuch as the adverse impact that would befall upon the Student Community is of an irreversible nature.

41. At this stage, it is clarified that this Court has not come to the rescue of the Writ Petitioner Colleges in any manner. If there are any arrears, the Respondent University is certainly at liberty to initiate any kind of extreme measure or step to compel them to clear the dues. Withholding of Affiliation and several other methods may be initiated well in advance and any such coercive and precipitative action that is proposed to be initiated by the University shall not have any adverse bearing on the careers and future prospects of the Students who are pursuing Courses in the Colleges. Therefore, the University is at liberty to initiate any coercive step to recover its arrears, keeping in mind the caution indicated as regards the affect that ought not to befall upon the careers of the Students.

43. The Respondent University is, therefore, directed to forthwith release the results of the Viva-voce Examination of the Students pursuing various Courses in the Writ Petitioner Colleges within two (02) days from today, disobedience of which shall be viewed by this Court seriously.

44 Accordingly, the Writ Petition is allowed to the extent indicated. No order as to costs.

45. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENIRAMAKRISHNA PRASAD, J

Dt: 25.07.2025

Note: Issue CC today

Note: LR copy to be marked.

B/o.DSV

32

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No.14827 of 2025

Dt: 25.07.2025

Note: Issue CC today

Note: LR copy to be marked.

B/o.DSV