

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

FRIDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 227 OF 2026

Between:

1. M.AKASH, S/O BALRAM Aged about 23 years, Occ- Student, Roll No. 172420855019, Student of Mahatma Gandhi Law College, NTR Nagar, L.B.Nagar, Ranga Reddy District, Telangana
2. S. SURYABHAN, S/O LAXMAN, Aged about 25 years, Occ- Student, Roll No. 172420855017, Student of Mahatma Gandhi Law College, NTR Nagar, L.B.Nagar, Ranga Reddy District, Telangana,.
3. P. AKHIL, S/O GOVARDHAN, Aged about 23 years, Occ- Student, Roll No. 172419832073, Student of Mahatma Gandhi Law College, NTR Nagar, L.B.Nagar, Ranga Reddy District, Telangana, -
4. K. VAMSHI, S/O JAYARAO, Aged about 25 years, Occ- Student, Roll No. 172420853014, Student of Mahatma Gandhi Law College, NTR Nagar, L.B.Nagar, Ranga Reddy District, Telangana,.
5. M.DILEEP, S/O RAMESH, Aged about 24 years, Occ- Student, Roll No. 172420853042, Student of Mahatma Gandhi Law College, NTR Nagar, L.B.Nagar, Ranga Reddy District, Telangana,.
6. T.GANESH, S/O RAMULU Aged about 24 years, Occ- Student, Roll No. 172420855028, Student Mahatma Gandhi Law College, NTR Nagar, L.B.Nagar, Ranga Reddy District, Telangana

...PETITIONERS

AND

1. The State of Telangana, Rep by its Chief Secretary, Telangana Secretariat Road, Central Secretariat, Khairtabad, Hyderabad - 500004.
2. The State of Telangana, Rep by its Principal Secretary, Higher Education Department, Telangana Secretariat Road, Central Secretariat, Khairtabad, Hyderabad - 500004.
3. Telangana counsel for Higher Education, Rep by its Chairman Hyderabad Telangana Opp. Mahavir Hospital, Masab Tank, Hyderabad - 500028.
4. The Vice Chancellor Osmania University, Hyderabad.
5. The Mahatma Gandhi Law College, Rep. by its Chairman, Gangula Govardhan Reddy, NTR Nagar, L.B. Nagar, R.R Dist, Telangana.

...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 an appropriate writ, order or direction, more particularly a Writ of Mandamus, declaring the action of Respondent No. 5 in withholding the petitioners' original certificates as illegal, arbitrary and unconstitutional and violation of the principles of natural justice, and restrain the institution/colleges from withholding original certificates due to outstanding amounts from the government or any including unpaid fees and regulations mentioned under Rule 2(F)(6) and Rule 4(C) issued by the U.G.C. notification vide file No.14-4/2012(CPP-1) in October 2018 and violations issued by Respondent No.4 vide letter dated 05-08-2024 and violation of Article 14, Article 19 and Article 21 of constitution of India consequently direct Respondents to issue all the original certificates and documents (SSC, INTERMEDIATE and LL.B) which are holding with Respondent No.5.

IA NO: 1 OF 2026

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. 5 to release forthwith the Petitioner's academic certificates and other related documents including the SSC, Inter, TRANSFER CERTIFICATE, BONAFIDE and Study Certificates to enable the Petitioner to pursue higher studies, mostly important for the LLM counselling and certificate verification for the students who get the seat in a particular colleges is last date on 07.10.2025 and for employment or other competitive examination purposes.

Counsel for the Petitioner : SRI POCHAIHA DORISHETTI

Counsel for the Respondents No.1to3 : GP FOR HIGHER EDUCATION

Counsel for the Respondents No.4 : SRI MARIPELLI SRINIVAS REDDY

The Court made the following: ORDER

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.227 OF 2026

DATED: 09.01.2026

Between:

Sri M.Akash & Others

.....Petitioners

And

The State of Telangana and Others

....Respondents

ORDER:

Heard Sri D.Pochaiah, learned counsel appearing on behalf of the petitioners, learned Assistant Government Pleader for Higher Education, appearing on behalf of respondent Nos.1 to 3 and Sri Maripelli Srinivas Reddy, learned standing counsel appearing on behalf of the respondent No.4.

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

"...to issue an appropriate writ order or direction more particularly a Writ of Mandamus declaring the action of Respondent No. 5 in withholding the petitioners original certificates as illegal, arbitrary, and unconstitutional and violation of the principles of natural justice and restrain the institution/colleges from withholding original certificates due to outstanding amounts from the government or any including unpaid fees and regulations mentioned under Rule 2(F)(6) and Rule 4(C) issued by the U.G.C

notification vide file No.14-4/2012(CPP-1) in October 2018 and violations issued by Respondent No. 4 vide letter, dated 05.08.2024 and violation of Article 14 Article 19 and Article 21 of constitution of India consequently direct Respondents to issue all the original certificates and documents (SSC INTERMEDIATE and LLB), which are holding with Respondent No. 5 and pass".

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

The Petitioners are students of the 5th Respondent College who were admitted through TS-LAWCET in the academic year 2020 into various five-year integrated law courses, namely B.A. LL.B., B.Com. LL.B., and BBA LL.B., under the Government Fee Reimbursement Scheme, and had successfully completed their respective courses in September 2025. After completion of their courses, the Petitioners approached Respondent No. 5-College during September-October 2025 seeking the release of their original academic certificates. However, the college management refused to hand over the certificates on the ground that the Government of Telangana had not released the pending fee reimbursement amounts.

It is further the case of the petitioners that in the meantime, the schedule for LL.M. Phase-II counselling was notified, with

certificate verification fixed between 31.10.2025 and 07.11.2025, the last date being 07.11.2025. Due to the non-release of certificates, the Petitioners were prevented from participating in the counselling process, enrolling with the Bar Council of Telangana, pursuing higher studies, and seeking employment. Aggrieved by the continued illegal withholding of their original certificates, including SSC, Intermediate, Transfer Certificate, Bonafide, and Study Certificates, the Petitioners have filed the present writ petition.

4. PERUSED THE RECORD

(A) The letter vide Lr.No.0508/TGCHE/Refund of Originals/2024, dated 05.08.2024 issued by the Telangana Council of Higher Education, Hyderabad addressed to the Registrars of OU, KU, TU, MGU, SU, PU, JNTU, JNAFAU & TMVV is extracted hereunder:

"Sir,

Sub:- TGCHE Withholding of Original Certificates of the Students - Instructions to the Universities/ Colleges- Regarding.

Ref:- This office Lr. No. TGCHE/Fee Reimbursement /2024, dt.23.02.2024

While referring to the subject and reference cited that in continuation of earlier letter, it has come to the notice of the Government that **certain private colleges are withholding the original certificates of students on the pretext of not receiving fee reimbursement from the Government.**

Withholding of original certificates will have significant implications for the students, especially when they need to present these documents to join for higher education, applying or joining for jobs and other purposes.

Further, in terms of UGC (Grievance Redressal of students) Regulations 2018, the colleges are barred from withholding or refusing to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a student for the purposes of seeking admission in such institution.

Therefore, I am by direction request the Universities to address/ instruct to all affiliated Private Colleges under its jurisdiction not to insist payment of Tuition Fee from the students who are eligible for fee reimbursement and not to deny issuing original certificates on the pretext of not receiving fee reimbursement from the Government. It is not a healthy practice. Such colleges may be blacklisted and shall not be considered for free reimbursement, which will also affect affiliation of such colleges.

The Colleges shall be directed to follow the instructions of the Government scrupulously and failure in this regard will be viewed seriously and stringent action will be initiated against such colleges."

(B) 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."

5. In pursuance to the directions of this Court dated 06.01.2026, the learned counsel appearing on behalf of the petitioners had taken out personal notice to the respondent No.5 herein and filed proof of service of the said notice upon respondent No.5 *vide* Memo dated 08.01.2026 duly enclosing the original postal tracking report evidencing the same. Though the matter is listed today i.e., on 09.01.2026, yet there is no representation on behalf of the respondent No.5 when the case is called on 09.01.2026.

6. 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.**

7. 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.

8. 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.

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."

10. In S.Muthukamatchi vs. The Director of Technical Education, Anna University in W.P.(MD) NO.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 retain the said certificates at any rate. Even if the college has any monetary claim, the refusal to handover the said certificates to the students is not the method by which the claim can be enforced. There is no lien on the certificates of the students.

11. 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, Hyderabad 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.

12. Based on the Division Bench Judgment of this Court dated 24.01.2020 passed in W.P.No.21137 of 2019, this Court had allowed W.P.No.34185 of 2023 vide its order dated 03.06.2024 granting identical relief as granted in W.P.No.21137 of 2019.

13. This Court opines that UGC by its guidelines (referred to and extracted above) had directed the Universities, to which the colleges like the 5th 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 respondent No.5, have any claim towards fee, the said institutions are required to initiate proceedings for recovery of fee dues and cannot resort to withholding of all certificates of the students in violation of the UGC guidelines.

14. The learned counsel appearing on behalf of the petitioners submits that the subject issue in the present writ petition is squarely covered by the order of this

Court, dated 27.10.2025 passed in W.F. No.32404 of 2025. The learned standing counsel appearing on behalf of respondent No.4 University does not dispute the said submission made by the learned counsel appearing on behalf of the petitioners.

DISCUSSION AND CONCLUSION:

15. This Court opines that the respondent No.5 cannot withhold the petitioner's original educational certificates (SSC, Intermediate and LLB) under any pretext. There is no lien on the certificate of the students since the certificate of the student is his/her property. This Court opines that the right of students to obtain their Certificates from one institution to join another institution cannot be denied by the concerned authorities merely because the tuition fee is due and if any amount is due from the petitioner towards such fees, the proper course available to the respondents is to initiate appropriate proceedings against the petitioners for recovery before the competent Court and coercive tactics cannot be adopted by the respondents to make the petitioners to pay the tuition fee. This Court opines that there is no justification on the part of the respondent No.5 in withholding

all original certificates i.e., SSC, Intermediate and LLB of the petitioner for non-payment of tuition fee.

16. A bare perusal of the record indicates that specific instructions vide Lr.No.0508/TGCHE/Refund of Originals/2024 dated 05.08.2024 had been issued by the Secretary, Telangana Council of Higher Education, Hyderabad addressed to all the Registrars of Universities (referred to and extracted above) instructing all the affiliated Private Colleges within its jurisdiction not to insist on payment of tuition fee by the students who are eligible for the fee reimbursement from the State Government. Further as per the guidelines of UGC, colleges cannot withhold or refuse to return any document such as of certificates of degree, diploma or any other award or other document deposited with it by students for the purpose of seeking admission in such institution. Therefore duly taking into consideration the view of the various High Courts on the subject issue in various Judgments, referred to and extracted above, this Court opines that petitioners are entitled for grant of relief as prayed for in the present writ petition.

17. Taking into consideration:

(a) The aforesaid facts and circumstances of the case,

(b) The submissions of the learned counsel appearing on behalf of the petitioners, and the learned standing counsel appearing on behalf of the respondent NO.4 University,

(c) The specific instructions vide Lr.No.0508/TGCHE/Refund of Originals/2024 dated 05.08.2024 issued by the Secretary, Telangana Council of Higher Education, Hyderabad addressed to all the Registrars of Universities (referred to and extracted above),

(d) The observations made in various Judgments (referred to and extracted above),

(e) 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.5 to return the original certificates i.e., SSC, Intermediate, LLB certificate of the petitioners, which are in the custody of the respondent No.5, duly taking into consideration the observations made in

various Judgments (referred to and extracted above), and the specific instructions vide Lr.No.0508/TGCHE/Refund of Originals/2024 dated 05.08.2024 issued by the Secretary, Telangana Council of Higher Education, Hyderabad addressed to all the Registrars of Universities (referred to and extracted above), and also the UGC Guidelines (referred to and extracted above) forthwith. However, there shall be no order as to costs.

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

The miscellaneous applications, if any pending, shall stand closed.

Sd/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

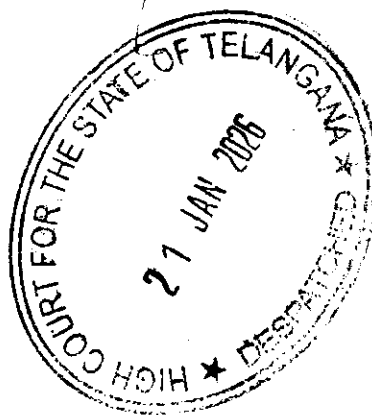
1. The Chief Secretary, Telangana Secretariat Road, Central Secretariat, Telangana State, Khairatabad, Hyderabad - 500004.
2. The Principal Secretary, Higher Education Department, Telangana Secretariat Road, Central Secretariat, Telangana State, Khairatabad, Hyderabad - 500004.
3. The Chairman, Telangana counsel for Higher Education, Hyderabad Telangana Opp. Mahavir Hospital, Masab Tank, Hyderabad - 500028.
4. The Vice Chancellor Osmania University, Hyderabad.
5. Gangula Govardhan Reddy Chairman, Mahatma Gandhi Law College, NTR Nagar, L.B. Nagar, R.R Dist, Telangana.
6. One CC to SRI POCHAIHA DORISHETTI, Advocate.[OPUC]
7. One CC to SRI M.SRINIVAS REDDY, Advocate. [OPUC]
8. Two CCs to GP FOR HIGHER EDUCATION, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies.

BSK/PMK

HIGH COURT

DATED:09/01/2026

CC TODAY



ORDER

WP.No.227 of 2026

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(12) MT
21/1/26