

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: 40238 OF 2025

Between:

Ms. Bhashapaka Pragna Vardhini, D/o. Hari Krishna Bhashapaka, Aged - 24 Yrs,
Occ - Student, R/o. H.No. 5-11-48, Flat No. 204, Venkateshwara Apartments
Shantinagar, Nalgonda District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary to Govt Higher Education Department, Dr.BR Ambedkar Telangana Secretariat, Hyderabad,Telangana 500 002
2. The Telangana State Council of Higher Education, Mahavir Marg, Hyderabad 500 028. Represented by its Secretary.
3. The Commissioner of Technical Education, Telangana State, Nampally, Hyderabad 500 028.
4. The Mahindra University, Bahadurpally, Jeedimetla Hyderabad 500 043 Rep. by its Chairman and Vice Chancellor.

...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 the 4th Respondent in withholding the petitioners original educational certificates as illegal, arbitrary, unconstitutional, and violative of the principles of natural justice, and further declare that withholding original certificates on the ground of non-payment of fees is violative of Articles 14 and 21 of the Constitution of India and consequently direct the Respondents, particularly Respondent No. 4, to release all original educational certificates and documents, including the Marks Sheet and Degree Certificate, which are unlawfully withheld.

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 Respondents, particularly Respondent No. 4, to forthwith release the petitioners original educational certificates, including the Marks Sheet and Degree Certificate pending disposal of the writ petition.

**Counsel for the Petitioner : Ms.T.TEJASWINI RATHOD,
rep., SRI P.SRI HARSHA REDDY**

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

Counsel for the Respondents No.4 :

The Court made the following: ORDER

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.40238 OF 2025

DATED: 09.01.2026

Between:

Ms. Bhashapaka Pragna Vardhini

.....Petitioner

And

The State of Telangana and Others

....Respondents

ORDER:

Heard Ms. T.Tejaswini Rathod, learned counsel representing Sri P.Sri Harsha Reddy, learned counsel appearing on behalf of the petitioner on record, and learned Assistant Government Pleader for Higher Education, appearing on behalf of respondent Nos.1 to 3.

2. The petitioner 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 the 4th Respondent in withholding the petitioners original educational certificates as illegal, arbitrary unconstitutional and violative of the principles of natural justice and further declare that withholding original certificates on the ground of nonpayment of fees is violative of Articles 14 and 21 of the Constitution of India and consequently direct the Respondents particularly Respondent No.4 to release all original educational certificates and documents including the

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Marks Sheet and Degree Certificate which are unlawfully withheld and to 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 completed B.Tech. in Computer Science and Engineering (CSE) from the 4th Respondent University, in the year 2024, bearing Roll No. SE20UCSE2442. At the time of the convocation held on 02.08.2024, the petitioner was issued only a Provisional/Passed Out Certificate. Despite enquiries and repeated requests, the petitioner's *original marks sheet and degree certificate* had not been issued by the University on the ground of alleged pending fee dues. The petitioner belongs to the Scheduled Caste (Madiga) community and, due to severe financial constraints, is unable to pay the said alleged pending fees. The withholding of the original certificate has adversely affected the petitioner's prospects of pursuing higher studies and securing employment, both in India and abroad.

It is further the case of the petitioner that aggrieved by the action of the 4th respondent, the petitioner submitted a representation dated 17.10.2025 before the Telangana State Human Rights Commission (TSHRC). The Commission, vide

proceedings dated 03.11.2025 in HRC No. 6816 of 2025, granted interim relief in favour of the petitioner by recommending to the Chairman and Vice-Chancellor of Mahindra University to return *the original educational certificates and to issue the Transfer Certificate, Study Certificate, and Conduct Certificate* within three days. The Commission further directed their personal appearance before it on 18.11.2025.

It is further the case of the petitioner that challenging the said proceedings of the Human Rights Commission, the 4th respondent filed W.P. No. 33657 of 2025 before this Hon'ble Court, and by order dated 06.11.2025, this Hon'ble Court granted a stay of the proceedings of the Human Rights Commission. Due to the subsisting stay, the 4th respondent has continued to withhold the petitioner's original certificates, thereby infringing the petitioner's fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India. Aggrieved by the same, the petitioner has 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 affects 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 31.12.2025, the learned counsel appearing on behalf of the petitioner had taken out personal notice to the respondent No.4 herein and filed proof of service of the said notice upon respondent No.4 *vide* Memo dated 08.01.2026, duly enclosing the original postal tracking report evidencing the same, duly bringing on record the fact that the notice was returned with the endorsement "refused".

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 lacs 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

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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 detain 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.Praleep 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 4th 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

institutions like the respondent No.4 University, 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 petitioner submits that the subject issue in the present writ petition is squarely covered by the order of this Court, dated 27.11.2025 passed in W.P. No.32480 of 2025. The learned Assistant Government Pleader for Higher Education, appearing on behalf of respondent Nos.1 to 3 do not dispute the said submission made by the learned counsel appearing on behalf of the petitioner.

DISCUSSION AND CONCLUSION:

15. This Court opines that the respondent No.4 cannot withhold the petitioner's original educational certificates (documents including the Marks Sheet and Degree Certificate) 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 petitioner for recovery before the competent Court and coercive tactics cannot be adopted by the respondents to make the petitioner to pay the tuition fee. This Court opines that there is no justification on the part of the respondent No.4 in withholding all originals educational certificates and documents, including Marks Sheet and Degree Certificate 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 petitioner is 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 petitioner, and the learned Assistant Government Pleader for Higher Education appearing on behalf of the respondent Nos. 1 to 3.

(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.4 to return all the original educational certificates, and documents, including the Marks Sheet and Degree Certificate of the petitioner, which are in the custody of the respondent No.4, 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.

SD/- P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Govt Higher Education Department, Dr.BR Ambedkar Telangana Secretariat, Telangana State, Hyderabad, Telangana 500 002
2. The Secretary, Telangana State Council of Higher Education, Mahavir Marg, Hyderabad 500 028.

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3. The Commissioner of Technical Education, Telangana State, Nampally, Hyderabad 500 028.
 4. The Chairman and Vice Chancellor, Mahindra University, Bahadurpally, Jeedimetla Hyderabad 500 043.
 5. One CC to SRI P.SRI HARSHA REDDY, Advocate. [OP JC]
 6. Two CCs to GP FOR HIGHER EDUCATION, High Court for the State of Telangana. [OUT]
 7. Two CD Copies.

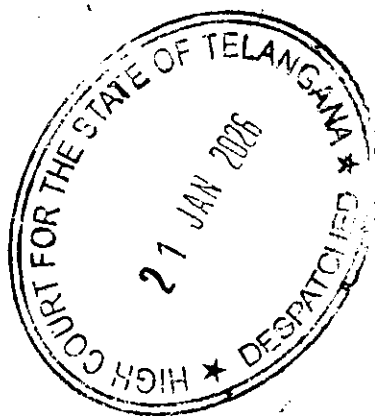
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HIGH COURT

DATED:09/01/2026

CC TODAY



ORDER

WP.No.40238 of 2025

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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Asv
24/1/26