



2025.PHHC:156880



120

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-8900-2025

Date of Decision : 12.11.2025

SUKHMANPREET SINGH CHEEMA AND OTHERS

.....Petitioners

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gaurav Chopra, Sr. Advocate assisted by
Mr. Peeush Gagneja, and Mr. Anurag Chopra, Advocates
for the petitioners.

Mr. Vipul Aggarwal, Sr. Panel Counsel,
for respondents no.1 and 2-UOI.

Mr. Sahil R. Bakshi, AAG, Punjab
for respondents n.4, 7 and 8.

Mr. Rahul Sharma, Sr. Advocate assisted by
Mr. Aditya Narayan Arya Garg, Advocate,
for respondent no. 5.

Mr. Ishan Chopra, Advocate,
for respondent no.6.

KULDEEP TIWARI, J.(Oral)

1. The petitioners, who are pursuing their MBBS Course (batch 2021-2022 and 2022-2023) from the White Medical College and Hospital (respondent no.5), have filed the instant petition under Article 226/227 of the Constitution of India, seeking a writ of *mandamus*, upon the latter concerned, to forthwith release their original documents, enabling them



2025.PHHC:156880



to continue with their studies in some other MBBS colleges in the State of Punjab.

2. The brief facts which are necessary for the proper adjudication of the instant dispute are that; the petitioners were initially pursuing their MBBS Course at the White Medical College and Hospital (respondent no.5). However, due to lack of adequate infrastructure in the said college, the petitioners and others approached this Court by way of civil writ petition bearing No.CWP-15650-2023, seeking transfer to a college which has requisite adequate infrastructure/facility to impart proper medical education to them. During the pendency of the said petition, the National Medical Commission, acceded to the request of the petitioners, and vide an order dated 18.01.2024, directed the transfer of all the students of MBBS course from respondent no.5-college to other medical colleges within the State of Punjab, which are as under:-

- i. GMC, Patiala,
- ii. GMC, Amritsar
- iii. GGS Medical College, Faridkot.
- iv. BR Ambedkar Institute of Medical Science, Mohali.
- v. DMC, Ludhiana
- vi. CMC, Ludhiana
- vii. Gian Sagar Medical College, Banur, Mohali
- viii. PIMS, Jalandhar

3. The aforesaid order dated 18.01.2024, was put to challenge by respondent no.5-college, by filing a writ petition bearing No.CWP-2061-2024, however, it remain unsuccessful in their attempt, as the Division Bench of this Court through a verdict dated 22.08.2024, dismissed the same. The legality of the verdict (*supra*), was assailed by



2025.PHHC.156880



respondent no.5-college, by filing SLP (Civil) No.19910-2024. The said SLP was also dismissed, vide order dated 02.09.2024. Consequently, the issue of transfer of students, including the present petitioners, from Respondent No. 5–college to other medical colleges within the State of Punjab has attained finality.

4. The petitioners have been compelled to once again approach this Court owing to the illegal action of respondent no. 5-college, which has retained the original documents of the petitioners and other medical students, despite their re-allocation and transfer to other medical colleges. Such unwarranted retention of documents is causing serious prejudice and inconvenience to the petitioners in pursuing their studies.

5. The sole ground put forth by the learned counsel for respondent no. 5-college, to justify the retention of the petitioners' original documents, is the alleged non-payment of fees for two months pertaining to the fourth semester of the second year MBBS course.

6. Learned Senior Counsel for the petitioners submits that, pursuant to the order dated 18.01.2024, passed by the National Medical Commission, the petitioners were re-allocated/transferred to other medical colleges on 03.10.2024, where they were required to pay the full semester fee afresh. Therefore, owing to the deficiency and lapse on the part of respondent no. 5-college, the petitioners cannot be compelled to pay the fee for two months of the same semester once again, as this would amount to double payment for the same academic period.



2025.PHHC:156880



7. On the other hand, learned counsel for respondent no.5-college submits that the fee now demanded from the petitioners pertains to the education imparted to them for a period of two months by respondent no.5-college. For that period, the college had duly paid the salary and other dues to its faculty members. Therefore, the college has a legitimate right to claim the fee for those two months. He further submits that this demand is in accordance with one of the conditions stipulated in the notice issued by Baba Farid University, which enumerates the terms governing transfer of students. On the basis of this condition, respondent no.5-college insists that the petitioners are liable to pay the said fee.

8. This Court has heard the rival submissions, as made by learned counsel for the parties concerned.

9. This Court in order to first examine the grievance of the petitioners, posed a specific query to learned counsel for respondent no.5-college, as to under which authority or rule, it has power to retain the original documents of the petitioners and other medical students. Though the college believes that the petitioners are liable to pay the outstanding dues, no specific provision or authority has been shown to justify such retention.

10. The only reason explained to this Court is that Baba Farid University (respondent no.6) granted conditional permission to the petitioners, requiring them to clear their outstanding dues. This Court,



2025.PHHC:156880



however, is in complete disagreement with the submissions made on behalf of respondent no.5. Respondent no.5-college has no legal right to retain the original certificates of the petitioners or other medical students, particularly in view of the facts detailed above.

11. To reach such conclusion this Court, lends vigor from a judgment rendered by this Court in “**Monika vs. PT. B.D. Sharma, University of Health Sciences, Rohtak and others**” (CWP-10671-2022, decided on 08.08.2022), wherein the Division Bench, as observed, is extracted hereinafter:-

“In addition, it may be observed that certificates of a student are his/her individual property. No other institution/individual can retain the same without lawful authority. If, something is due from a student or a student is required to do something lawfully stipulated, upon refusal, recourse can be taken to means provided under the law for ensuring compliance. Adopting the method of retaining original certificates/documents is unfair to say the least.”

12. The second issue pertains to the entitlement of respondent no.5-college to the fee amount as raised by way of an additional affidavit dated 08.11.2025, which was filed in deference to the direction issued by this Court vide order dated 31.10.2025.

13. Respondent no.5-college undoubtedly has the right to recover its lawful dues by taking recourse to appropriate legal proceedings. Therefore, in the present petition, this Court refrains itself from adjudicating upon the issue, as to whether, the amount shown as due from each student is, in fact, recoverable or not, since the same involves mixed questions of fact and law. Respondent no.5-college is at liberty to



2025.PHHC.156880



avail all alternative remedies available to it under the law, if it has any grievance regarding dues on account of fee etc. However, it is directed to release/hand over all the original documents of the petitioners and other medical students, forthwith, and in any case, not later than seven days from the date of passing of this order.

14. **Disposed of** accordingly.

November 12, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No