APHC010508192025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

FRIDAY, THE 27th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 29733/2025

Between:

1. KORIVI KUMAR BABU, S/O SAMUEL, AGED ABOUT 29 YEARS, R/O D.NO.6-58, MEDIKONDURU, GUNTUR, GUNTUR DISTRICT- 522438.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR-522237.
2. THE ANDHRA PRADESH STATE COUNCIL OF HIGHER EDUCATION, REPRESENTED BY ITS SECRETARY 3RD, 4TH_ 5TH_ FLOORS, NEELADRI TOWERS, SRI RAM NAGAR, 6TH BATTALION ROAD, ATMAKUR VILLAGE, MANGALAGIRI, GUNTUR - 522503.
3. THE MEMBER SECRETARY AND CEO, ANDHRA PRADESH HIGHER EDUCATION REGULATORY AND MONITORING COMMISSION (APHERMC), 3RD FLOOR, SREE MAHENDRA ENCLAVE, NRI BLOCK (C-BLOCK), NH-16, TADEPALLI, GUNTUR DISTRICT, ANDHRA PRADESH - 522501.
4. THE DIRECTOR DIRECTORATE OF TECHNICAL EDUCATION, ANDHRA PRADESH, O/O CTE, F.NO.301, GARUDADRI K.K TOWERS, LAKSHMI NARASIMHA COLONY, SERVICE ROAD, NEAR DR. YSR AAROGYASRI HEALTHCARE TRUST, MANGALAGIRI, GUNTUR, ANDHRA PRADESH - 522503.
5. THE NRI INSTITUTE OF TECHNOLOGY, VISADALA ROAD, PERECHERLA, GUNTUR DISTRICT, ANDHRA PRADESH - 522 438
6. THE PRINCIPAL, NRI INSTITUTE OF TECHNOLOGY VISADALA ROAD, PERECHERLA, GUNTUR DISTRICT, ANDHRA PRADESH - 522438.
7. UNIVERSITY GRANTS COMMISSION, REPRESENTED BY ITS SECRETARY BAHADUR SHAH ZAFAR MARG, NEW DELHI - 110002.

...RESPONDENT(S):

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 any appropriate Writ, order or Direction preferably a Writ in the nature of Writ of Mandamus. a. Declaring the action of the 5th and 6th Respondents in withholding the original educational Petitioner as illegal,

arbitrary, high-handed and in violation of the UGC and AlCTE Notifications, APHERMC Rules, and the Andhra Pradesh Educational Institutions Act, 1983 and consequently to direct the Respondents No.5 and 6 to handover the certificates to the Petitioner b. Declaring the inaction of Respondent No.2 in taking action against Respondent No.5 for with-holding the certificates as arbitrary, illegal, unconstitutional, and in violation of UGC and AlCTE Notifications, APHERMC Rules, and the Andhra Pradesh Educational Institutions Act, 1983 and consequently direct Respondents No.1 to 4 and 7 to take necessary penal and regulatory action against Respondent No.5 and 6 for non-compliance and statutory breaches. c. and pass

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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 Pleased to direct the Respondents to grant retrospective seniority to the Petitioners on par with other employees recruited in pursuant to Notification No.3 of 2019 dated 26.07.2019 of DSC in Andhra Pradesh Municipal Health Subordinate Service (General Recruitment) for the post of Ward Sanitation and Environment Secretary (Grade II) and thereby refix the seniority of the Petitioners in the Cadre of Ward Sanitation and Environment Secretary with all consequential benefits including salary arrears and pass

Counsel for the Petitioner:

1. KANCHARLA ANISH

Counsel for the Respondent(S):

1. GP FOR HIGHER EDUCATION

The Court made the following:

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ORDER:

1. The Petitioner is aggrieved by the action of the respondent Nos.5 and 6 in retaining the original academic certificates, i.e.,SSC Certificate, Intermediate Certificate, Caste Certificate, Income Certificate, Transfer Certificate and other documents which were submitted as per the check list at the time of admission to B.Tech C.S.C under SC General Category and demanding the petitioner to pay the Course Fee amount for returning the documents.
2. The petitioner joined B.TechCourse in the fifth respondent-college for the academic years 2015-19 in the counselling conducted by the second respondent. The petitioner submitted his original academic certificates to Respondent No.6.
3. The petitioner's father passed away forcing the petitioner to discontinue his studies. The petitioner addressed a letter dated 15.11.2022 to the third respondent, marking a copy to the second respondent, seeking the return of his original academic certificates. It is submitted that the third respondent issued a notice dated 04.02.2025 directing the respondent Nos.5 and 6 to return the certificates immediately. As the fifth respondent did not return the original certificates, the petitioner submitted a detailed representation on 24.02.2025.
4. It is also submitted that the third respondent issued a second notice dated 04.03.2025 directing the fifth respondent to return the original

certificates. The petitioner also issued a legal notice dated 17.05.2025 was issued, however the fifthrespondente has been insisting to pay the entire Course fee for returning the academic certificates of the petitioner. It is submitted that the original academic certificates retained by the fifth respondent are the only source of livelihood for the petitioner.

5. Learned counsel appearing for the petitioner submits that the illogical demand of the third respondent is contrary to the University Grants Commission guidelines and that it is also a settled position of law that the colleges cannot retain the academic certificates of the students and demand payment of the course fee for returning them.
6. Notice addressed to the respondent Nos.5 and 6 is served and proof of service is filed and there is no representation for them.
7. Learned Standing Counsel appearing for Respondent No.2 fairly admits that the demand raised by the third respondent seeking payment of the entire course fee from the petitioner for returning the academic certificates is not permissible as per the UGC guidelines and regulations.
8. Heard the learned counsel for the petitioner and the learned Standing Counsel for Respondent No. 2, and perused the record.
9. The point for consideration in the present writ petition is whether the fifth respondent has a bona fide right to retain the original academic

certificates of a student and demand payment of the course fee for returning them.

10. The University Grants Commission issued a notification in October 2018, laying down detailed instructions to curb malpractices relating to fee refunds in case of withdrawal from the program and the retention of original certificates at the time of and/or after admission. The objective of the notification issued in October, 2018 is to prohibit coercive and profiteering institutional practices in matters related to refund of fees in case of withdrawal from the program and retention of original certificates of the students. The said notification is issued in exercise of powers conferred by Section 12 sub-clause (d) read with Section 12(j) of the UGC Act 1956. The UGC issues this notification to adopt standard operating procedures for fee refunds in cases of student withdrawal from the programme and non-retention of certificates at the time of admission.
11. The notification issues a standard operating procedure for a refund of the tuition fee paid by the student if the student chooses to withdraw from the programme. The third respondent's claim for payment of the entire course fee to return for the petitioner's certificates is evidently contrary to the University Grants Commission's October 2018 notification.
12. The notification further clarified the verification and non-retention of students' academic and personal certificates. Clause 4.2.1 mandates

that no higher education institution shall insist upon a student submitting the original academic and personal certificates, like mark sheets, school leaving certificates and other such documents, at the time of submitting the admission form. The submission of self-attested copies thereof shall be mandatory.

13. Clause 4.2.2: Higher educational institutions shall physically verify the originals at the time of admission of the student in his or her presence and return them immediately after satisfying themselves about their authenticity, keeping the attested copies for their record.
14. Clause 4.2.3: The self-attested certificates of students shall be held valid and authentic by the institution concerned and/or the affiliating university for all purposes and administrative requirements, and should there be a need for physical verification at any time during the course of the programme of study, such verification shall be undertaken, and the original certificates thus used for verification shall be returned immediately to the student concerned
15. Clause 4.2.4: Taking the certificates into institutional custody under any circumstances or pretext is strictly prohibited.
16. Clause 4.2.5: In case of any suspicion over the authenticity or genuineness of the certificate, reference may be made to university, or the board which issued the certificate to the student and the admission may be subjected to authentication, but the original certificate shall not be retained by the higher education institution under any circumstances.

17. The University Grants Commission notification is categorically clear and unambiguous. Under no circumstances can the third respondent justify retaining the petitioner's academic certificates and demanding payment of the entire course fee as a condition for returning the petitioner's original academic certificates. Original academic certificates are the property of the student. They are the foundation of the student's right to pursue higher education, enroll with professional bodies and seek employment, and thus bear directly on the right to livelihood and education under Article 21 of the Constitution of India. An institution has no lien over them. Even if the College has a legitimate claim for the Tuition Fee or any other fee, withholding of certificates is not permissible as a mode of recovery. The remedy of the third respondent lies elsewhere but certainly not in the form and manner adopted by the third respondent.

18. For the aforesaid reasons, the writ petition deserves to be allowed, with a direction to the respondent Nos.5 and 6 to return the petitioner's original academic certificates within a period of one week from the date of receipt of the order.

19. Accordingly, the writ petition is allowed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Dated 27.11.2026
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