



WEB COPY

WP No. 30518 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 30518 of 2026
and WMP Nos.33513 and 33516 of 2026**

Dr.S.Mohamed Nidhal
s/o.Sabeerullah,
No.44/3/E, Ceedeeyes,
Chennaipatinam,
Ammapettai, Thiruporur,
Kancheepuram District -603 108

..Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by the its Principal Secretary
Health and Family welfare Department
Secretariat, Chennai-9.
2. Directorate of Medical Education,
Rep by the Director of Medical Education
Kilpauk, Chennai-10.
3. Directorate of Medical and Rural Health
Services,
Rep by the Director of Medical Health and
Rural Health Services,
No.359,Anna salai
Chennai-6.
4. Directorate of Public Health and Preventive
Medicine,
Rep by the Director of Public Health and
Preventive Medicine,
No.359 Anna salai,
Chennai-6
5. Madras Medical college
Rep by its Dean, Chennai-600 003.



..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned posting order issued by the 4th respondent vide R.No.3418534/E7/A1/2022-83 dated 31.3.2023 and quash the same and further to direct the 5th respondent to return the petitioner's original certificates and documents collected during petitioner's Post-Graduate admission along with petitioner Post Graduate degree certificate, Transfer certificate and conduct certificate.

For Petitioner(s): Mr.M.Vijaya Ragavan

For Respondent(s): Mr.G.Ramadas,
Special Govt. Pleader for R1 to R5

ORDER

The present writ petition is filed praying for a writ of Certiorarified Mandamus, to quash the impugned posting order issued by 4th respondent vide R.No.3418534/E7/A1/2022-83 dated 31.3.2023 and further to direct 5th respondent to return petitioner's original certificates and documents collected during petitioner's Post-Graduate admission along with petitioner Post Graduate Degree Certificate, Transfer certificate and Conduct Certificate.

2. Learned counsel for petitioner would submit that petitioner is a doctor, registered under Registration No. 122540. Petitioner has completed his under-

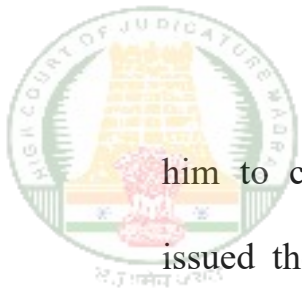


graduation studies and obtained his M.B.B.S degree from Shri Satya Sal Medical College and Research Institute, Kancheepuram in the year 2017.

Thereafter, in 2018, he enrolled in a postgraduate course in M.D. Anaesthesiology under the non-service category at Madras Medical College, 5th Respondent herein, and completed the course in 2021.

2.1. Learned counsel would further submit that at the time of admission to the course, he had executed a bond for a sum of Rs.40 lakhs undertaking that he would serve the State for a period of two years after completion of the Post-graduation course and submitted the same along with his original certificates and documents with 5th Respondent herein. It is submitted that, in the year of 2020, COVID-19 pandemic unprecedented and soon thereafter, the commencement of his PG course, he was deputed to render COVID duty at the Madras Medical College from 11.03.2020 to 31.05.2021. i.e. for the period of about 1 year, 2 months and 21 days. After the completion of his PG Course, he rendered COVID duty from 01.06.2021 to 18.11.2021. i.e., for a period of about 5 months and 18 days and the same was certified by the Head of the Department based on the G.O. (Ms) No.278 issued by Health and Family Welfare Department dated 17.08.2023.

2.2. Learned counsel would also submit that petitioner completed his PG course in the year 2021 and no posting order was issued immediately to enable



him to complete his compulsory bond service. Thereafter, 4th Respondent issued the impugned posting order vide R.No.3418534/E7/A1/2022-83 dated 31.03.2023, thereby appointing petitioner as an Assistant Surgeon to work as part of the bonded service for a minimum period of six months from the date of joining and subsequently posting him to the Government Hospital, Musiri, Trichy District. Challenging the same, the present Writ Petition has been filed.

3. Learned Government Counsel appearing for the respondents would then place reliance on G.O.Ms.No.167, Health and Family Welfare (MCA-1) Department, dated 24.06.2026, which reads as under:

“5. The Government, after careful examination, accept the proposal of the Director of Medical Education and Research. Accordingly, the Government accord permission to the Director of Medical Education and Research to return, through the respective Deans and Heads of Institutions concerned, the original certificates submitted at the time of admission by the Non Service Post Graduates who have not been provided with bond postings for more than six months from the date of completion of their course, subject to the following conditions:-

(i) the bond executed by each such Non Service Post Graduate shall continue to remain in force for a period of two years from the date of completion of his/her course, and the Government shall be entitled to call upon him/her for bond service, on need basis, at any time within



that period;

(ii) before the original certificates are returned, each such Non Service Post Graduate shall furnish an undertaking, in the form to be prescribed by the Director of Medical Education and Research, that, notwithstanding the return of the certificates, he/she shall continue to be bound by the bond, to the extent it remains in force under clause (i) above, and shall, as and when called upon by the Government within that period, serve the Government of Tamil Nadu for a period of not less than two years of bond service; and”

4. From a reading of the above G.O., it would be clear that the condition which mandates for return of the original certificates, an undertaking ought to be given would apply to only those cases where the return is sought for during the subsistence of the bond period. In cases where the bond period is already over, the insistence of an undertaking even in terms of G.O.Ms.No.167, may not be permissible.

5. In view thereof, fifth respondent College is directed to return the original certificates and documents to petitioner within a period of two (2) weeks from the date of uploading of web copy without waiting for receipt of certified copy of the order.



6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

06-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

jv

To

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