



WA No.1125 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G. ARUL MURUGAN

WA No.1125 of 2026
and CMP No.11202 of 2026

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
2. Directorate of Medical Education,
Rep. by the Director of Medical Education,
Kilpauk, Chennai 600 010.
3. Directorate of Medical and Rural Health
Services, Rep. by the Director of
Medical Health and Rural Health Services,
359, Anna Salai, Chennai 600 006.
4. Directorate of Public Health and Preventive
Medicine, Rep. by the Director of Public
Health and Preventive Medicine,
359, Anna Salai, Chennai 600 006.
5. Government Stanley Medical College,
Rep. by its Dean, No.1, Old Jail Road,
Chennai 600 001.

.. Appellants

-VS-



WA No.1125 of 2026

Banwari Lal Yadav

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 20.06.2025 passed in WP No.19249 of 2025 on the file of this Court.

For Appellants : Mr.C.A.Ramanan
Govt. Advocate

For Respondent : Mr.Suhrith Parthasarathy

* * * * *

JUDGMENT

(Judgment of the Court was delivered by G.Arul Murugan, J.)

This intra-court appeal is preferred assailing the order dated 20.06.2025 passed in WP No.19249 of 2025, whereby the learned Single Judge had allowed the writ petition directing the appellants to return the original certificates to the respondent/writ petitioner.

2. The brief facts are that, the respondent herein was admitted to the 5th respondent College for the D.M. Medical Gastroenterology Program for the academic year 2020-21. Admittedly, the respondent completed the course in February, 2024. At the time of admission into the course, the respondent/writ petitioner had executed a bond for a



WA No.1125 of 2026

period of two years to serve the Appellants/Department. In case, the respondent failed to serve, he was obligated to pay a sum of Rs.50,00,000/- towards the bond. Subsequently, vide G.O.Ms.No.49 dated 28.02.2024, the said bond amount was reduced to Rs.25,00,000/- and the period was also reduced to one year. Accordingly, the one year bond period ends in February, 2025.

3. Contending that even after completion of the course period, no posting order was issued and the respondent had to return to service in Rajasthan, where he was employed prior to joining the present course, the writ petition came to be filed seeking for a direction to the appellants to treat the petitioner's compulsory bond period as completed and to consequently direct to return the petitioner's original certificates and documents along with the post-graduate and super speciality degree certificates.

4. The learned Single Judge by observing that since no posting order was issued till the period came to an end in February, 2025, allowed the writ petition directing the appellants to return the original certificates.



WA No.1125 of 2026

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5. The learned Government Advocate appearing for the appellants contending that the appellants have, vide communication dated 11.01.2024, called upon the respondent to attend an on-line counselling on 23.01.2024 to receive the bond posting, however, the respondent did not chose to appear for the counselling. In spite of the same, the posting order has been issued vide proceedings dated 24.05.2024 by directing the respondent to report before the Director of Medical Education and Research, Government Villupuram Medical College, Villupuram, and the said proceedings specifically states that since the order has been issued with a delay of five months, the respondent was obligated only to serve for a period of seven months from the date of joining at the posted place.

5.1. This order was also sent to the address of the respondent through Registered Post, which was duly received by the respondent himself and in such circumstances, the order passed by the learned Single Judge holding that no such posting order was issued is factually incorrect and therefore, the order needs to be interfered with.



WA No.1125 of 2026

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6. Contending contra, the learned counsel for the respondent/writ petitioner submitted that no such posting order as stated was ever issued to the respondent and when the posting order was not issued till the bond period service came to an end, in view of several orders passed by this Court in various cases directing the authorities to return the certificates, the learned Single Judge was right in issuing the direction for the return of original certificates and therefore, the order need not be interfered with.

7. We have heard the rival submissions and considered the material available on record.

8. The respondent/writ petitioner was admitted in the Government Stanley Medical College in the State of Tamil Nadu under the D.M. Medical Gastro Enterology Program for the academic year 2020-21. At the time of admission, the respondent had executed a bond of undertaking to serve the appellants-department after the completion of course. The course came to an end in February, 2024. It is the contention of the respondent that since the bond period itself



WA No.1125 of 2026

was for one year and since no posting order was issued, the bond period is to be treated as completed and therefore, the original certificates are to be returned to the respondent and accordingly, the learned Single Judge has rightly allowed the writ petition.

8.1. However, from the materials available on record what we could see is that the petitioner himself has stated in paragraph 6 of his affidavit that while the respondent was completing the course, vide letter dated 11.01.2024 issued by the 2nd respondent, the respondent was called upon to attend an online counselling on 23.01.2024 for issuance of posting order. The respondent has further stated that he refrained from participating in the counselling for posting allocation, as he had already informed the 5th respondent college that he had to return to his previous employment in Rajasthan.

8.2. From the averments made, it is clear that the appellants have duly, within the bond service period, intimated to the respondent to attend the online counselling for issuance of the posting order. The respondent, however, on his own accord, as he had a pre-occupied posting at Rajasthan where he intended to serve, was not inclined to



WA No.1125 of 2026

participate in the counselling to receive the bond posting order.

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8.3. It is also to be seen that subsequently, the appellants have issued the posting order dated 24.05.2024 whereby the respondent was directed to report for duty before the Government Villupuram Medical College, Villupuram. Since this order came to be issued only on 24.05.2024, it is stated that the respondent was obligated to serve only for a period of seven months from the date of joining at the posted place. It is alleged that the order dated 24.05.2024 was not served on the respondent. However, the appellants have produced documents to show that the posting order dated 24.05.2024 was sent to the respondent through Registered post. The record file makes it evident that the registered letter issued to the respondent containing the posting order was received by the respondent himself. In such circumstances, when the respondent was in receipt of the posting order, the respondent was obligated to report at the posting place as directed and complete the bond service period.

8.4. In view of the factual position that since posting order was issued by the appellants directing the respondent to serve at the



WA No.1125 of 2026

posted place and complete the bond service period, the order passed by the learned Single Judge holding that no such posting order was issued when the bond period itself came to an end in February, 2025 is factually incorrect and needs to be interfered with.

9. At this juncture, the learned counsel for the respondent submitted that the appellants may now be directed to issue a posting order and the respondent be given time to comply with the posting order to be issued to complete the bond service period or in the alternative, allow him to make the payment towards the bond amount.

10. In view of the submission made and finding that the posting order was issued to the respondent, we are inclined to set aside the impugned order and allow the writ appeal.

11. Accordingly, the writ appeal stands allowed. The appellants are directed to issue fresh posting order to the respondent in a period of four weeks from the date of receipt of a copy of this order. The respondent, on receipt of the same, shall immediately join at the place of posting. If the respondent is not inclined to serve at the posting



WA No.1125 of 2026

place, on payment of the amount covered under the bond, he is entitled to receive his certificates back. It is also made clear that if no such posting order is issued within the time as directed, it will be open to the respondent to enforce the order of the Writ Court to get his original certificates.

There shall be no order as to costs. Consequently, the interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN, J.)
20.08.2026

Index : Yes/No
Neutral Citation : Yes/No

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To

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State of Tamil Nadu,
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Secretariat, Chennai 600 009.
2. The Director of Medical Education,,
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WA No.1125 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G. ARUL MURUGAN, J.

(sra)

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Medical Health and Rural Health Services,
Directorate of Medical and Rural Health
Services, 359, Anna Salai, Chennai 600 006.
4. The Director of Public
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