

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.13684 of 2015

and

M.P.No.1 of 2015

Dr.S.Purusothaman

.. Petitioner

vs

1.The Government of Tamil Nadu
Rep. By its Secretary
Health and Family Welfare Department
Fort St. George, Chennai 600 009

2.The Director of Public Health and
Preventive Medicines
Chennai 600 006

3.The Secretary
Medical Recruitment Board
Chennai 600 006

4.The Deputy Director of Health Service
Krishnagiri

5.The Dean
Saveetha University
No.162, Poonamallee High Road
Velappanchavadi, Chennai 77

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the fourth respondent to hand over all the original certificates of the petitioner so as to enable the petitioner to join P.G. Course of M.D. On the subject Pediatrics at Saveetha University, Chennai, before 30.4.2015.

For Petitioner : Dr.(Ms.) R.Gouri

For Respondents

: Mr.V.Subbiah
Special Government Pleader
for RR1 to 4

Mr.S.Saravanan for R5

ORDER

2.The petitioner would state that he has studied and completed MBBS Course in the Madras Medical College, which is coming under the control of Tamil Nadu Dr.MGR Medical University and a Degree Certificate was also issued bearing Registration No.52051098, and he was selected to the post of Assistant Surgeon (General) through the examination conducted by the Medical Recruitment Board, and posting order dated 13.9.2013, was also given to him and he joined duty in Primary Health Centre, Samalpatti, Krishnagiri Health Unit District as per the directions of the Reporting Officer viz. the fourth respondent. The petitioner while joining duty, has given his original certificates viz. 10th mark sheet, MBBS Convocation, Medical Registration Certificate, Community Certificate and Physical Fitness Certificate.

3.The petitioner would further state that in the interregnum, he applied for Post Graduation Course and he was provisionally selected on merit-cum-choice basis by the fifth respondent, to undergo M.D. (Pediatrics). The petitioner immediately approached the respondents 2 and 4 requesting them to return all the original certificates, which were given at the time of joining service, and since it was not responded, he has submitted a representation/letter of resignation on 23.3.2015, praying for return of the original certificates so as to enable him to join the fifth respondent-University on or before 30.4.2015, and though it was forwarded to the fourth respondent, no response is forthcoming and hence, he came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the orders dated 16.4.2015, made in W.P.No.11187/2015 and dated 21.4.2015, made in W.P.No.11796/2015, and would submit that in similar facts and circumstances, this Court has directed the concerned respondent to return the original certificates so as to enable the petitioner therein to join Post Graduation Course and prays for appropriate orders.

5.The Court heard Mr.V.Subbiah, learned Special Government Pleader, who accepted notice for the respondents 1 to 4 and Mr.S.Saravanan, learned Counsel, who accepted notice for the fifth respondent.

6.This Court in the order dated 21.4.2015, made in W.P.No.11796/2015, has considered the similar issue and after extracting the orders dated 13.3.2015, made in W.P.No.7153/2015, and dated 12.12.2008, made in W.P.No.12923 of 2008 etc., batch, has disposed of the said writ petition directing the fourth respondent therein to return the original certificates/testimonials to the concerned petitioner and also directed them to consider the letter of resignation submitted by the petitioner therein as expeditiously as possible.

7.In the light of the similar orders, the writ petition is disposed of and the fourth respondent is directed to return the original certificates/testimonials collected from the petitioner at

the time of his joining service as Assistant Surgeon in Primary Health Centre, Samalpatti, Krishnagiri Health Unit District, forthwith and the fourth respondent is also directed to take a decision on the representation/letter of resignation dated 23.3.2015, submitted by the petitioner as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

- 1.The Secretary
Health and Family Welfare Department
Fort St. George, Chennai 600 009
- 2.The Director of Public Health and
Preventive Medicines
Chennai 600 006
- 3.The Secretary
Medical Recruitment Board
Chennai 600 006
- 4.The Deputy Director of Health Service
Krishnagiri.

- 1 cc to Mr. R.Gowri, Advocate, SR.No.23840
2 cc to Government Pleader, Sr.No24272

W.P.No.13684 of 2015

msm(co)
pmk.30.4.2015

सत्यमेव जयते

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