

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21551/2016 & WMP.No.18430/2016

Dr.R.Sowmiya

..Petitioner

Versus

1.The Secretary to Health and
Family Welfare Department
State of Tamil Nadu,
Fort St George, Chennai 600 009.

2.The Director
Directorate of Medical Examination
Kilpauk, Chennai 600 010.

3.The Dean
Thanjavur Medical College
Thanjavur.

4.The Dean
Tiruvannamalai Medical College
Tiruvannamalai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to issue SSLC Mark sheet, Higher Secondary Mark Sheet, MBBS Degree Certificate and Mark Sheet, Medical Registration Certificate, CRRI Completion Certificate, PG Course Certificate, PG Degree Certificate, Conduct Certificate, Transfer Certificate to the petitioner without insisting the payment of bond amount as a precondition, pending disposal of the above writ petition.

For Petitioner : Mr.G.T.Subramanian
For RR 1 to 4 : Mrs.P.Rajalakshmi,
Government Advocate

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner, after successfully completing MBBS Course in the Government Mohan Kumaramangalam Medical College, Salem, during March 2011, applied for Post Graduate Course through All India Post Graduate Entrance Examination held in the year 2012 and got P.G. Seat in the course of M.D [Physiology], in the 3rd respondent Medical College and completed the said course during May 2015. It is stated by the petitioner that at the time of admission, she has submitted her SSLC Mark Sheet, Higher Secondary Mark Sheet, MBBS Degree Certificate and Mark Sheet, Medical Registration Certificate and CRRI Completion Certificate. It is further stated by the petitioner that as per All India Selection Process, she need not require to execute any bond. However, at the time of her admission in Thanjavur Medical College, she was directed to execute a bond and in order to join the college and to avoid unpleasantness, she has executed the bond. The grievance now expressed by the petitioner is that though she has completed her PG Course, she requested the 3rd respondent for return of the said certificates and despite the same, the said certificates were not returned by the 3rd respondent and as per the bond condition, she is in service with the 4th respondent Medical College. The petitioner has also submitted a representation dated 30.03.2016 to the 4th respondent and since no orders have been passed, the petitioner is constrained to approach this Court by way of filing the present writ petition.

3 The learned counsel for the petitioner would submit that the matter in issue is squarely covered by the common order dated 01.07.2013 made in WP.No.1545/2013 etc., batch [Dr.C.Hema Vaneeswari and others Vs. The State of Tamil Nadu represented by its Secretary, Health Department, Chennai-9 and others] as well as the common order dated 19.06.2014 made in WP.No.15778/2014 etc., batch [Dr.Thiruvallar Prabhu Anand Vs. The State of Tamil Nadu represented by its Secretary, Health Department, Chennai-9 and others] and prays for appropriate orders.

4 This Court heard the submissions of Mrs.P.Rajalakshmi, learned Government Advocate who accepts notice on behalf of the respondents.

5 This Court, while disposing of the said writ petitions, has taken note of the order dated 12.12.2008 made in WP.No.12923/2008 following the order dated 29.10.2012 made in WP.No.23366/2012. It is relevant to extract the relevant portion, which reads thus:-

"8.The very issue was considered as Issue No.1 in W.P.No.12923 of 2008 (batch case) dated 12.12.2008 and the said issue was answered thus:

The PG Decree/Diploma Holders, who applied for their Degree/Diploma course through All India Entrance Examination for selection to All India Quota seats and admitted to Tamil Nadu Government Medical Colleges are not bound by the terms and conditions issued by the respondents through their prospectus. Even if any candidate executed bond, it will have no effect since they have not applied for admission under the impugned prospectus."

9. In the light of the said decision rendered by me in the batch of cases and the same having been implemented by the respondents, the respective respondents are bound to return the certificates to the petitioners as prayed for in these Writ Petitions. Consequently, the Writ Petitions are allowed in terms of the order made in W.P.No.12923 of 2008 (batch case) dated 12.12.2008 and the respondents are directed to return the certificates to the respective petitioners within a period of two weeks from the date of receipt of a copy of this order. No costs."

6 In the light of the facts and circumstances, there cannot be any impediment on the part of the respondents 3 and 4 to return the original testimonies / certificates submitted by the petitioner at the time of her admission to M.D. [Physiology] to the 3rd respondent / Medical College.

7 In the result, the writ petition is disposed of and the 4th respondent is directed to consider the petitioner's representation dated 30.03.2016 in the light of the above cited orders and pass orders as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary to Health and
Family Welfare Department
State of Tamil Nadu,
Fort St George, Chennai 600 009.

2.The Director
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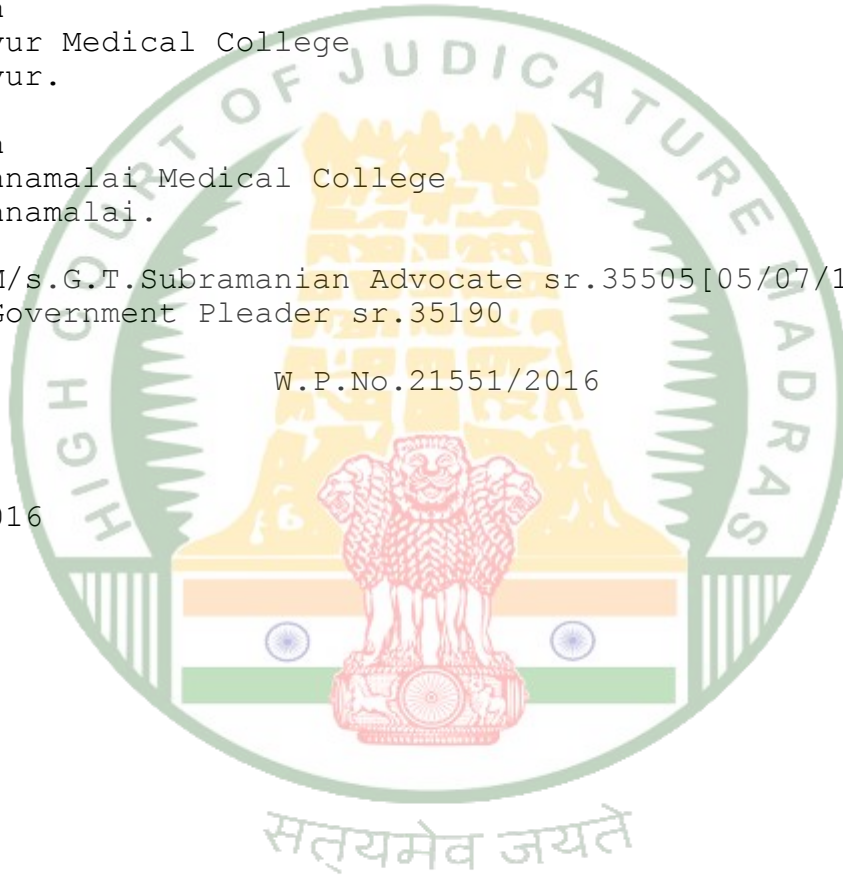
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Tiruvannamalai Medical College
Tiruvannamalai.

+1 cc to M/s.G.T.Subramanian Advocate sr.35505[05/07/16]
+1 cc to Government Pleader sr.35190

W.P.No.21551/2016

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