

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4478 of 2018
and W.M.P.No.5498 of 2018

Dr.R.Nithiyanantham

... Petitioner

Vs.

The Dean,
Employee's State Insurance Corporation
Medical College & Post Graduate Institute
of Medical Science and Research,
K.K.Nagar, Chennai-600 078.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for connected records pertaining to the passing of the order dated 12.10.2015 in proceedings 514-A/12/12/2014/Dean Office/ESIC SR/Bond service passed by the respondent and quash the same.

For Petitioner : Mr.G.Justin

ORDER

This writ petition has been filed challenging the order passed by the respondent dated 12.10.2015, asking the petitioner to pay a sum of Rs.7,50,000/- as per the bond conditions along with penal interest at the rate of 15% per annum from the last date of joining as mentioned in the offer of appointment.

2.The learned counsel appearing for the petitioner would submit that the petitioner had executed a bond on 28.05.2012 with the Employees' State Insurance Corporation stating that on successful completion of PG Course (M.D. - Paediatrics), he would join the ESCI as Senior Resident (ESIC-SR) at ESIC Hospital, Indore, Madhya Pradesh under ESIC Residency Scheme for utilization of services under bond vide ESIC Headquarters Office order No.28 of 2014 dated 04.09.2014. As the said offer was already communicated to the petitioner through their office letter dated 05.09.2014, the petitioner made a request for change of place of posting that was also communicated to him by

office letter dated 27.10.2014, but he has not reported for duty at the place of posting ESIC Hospital, Indore, Madhya Pradesh. But the problem faced by the petitioner, he pleaded after completion of his PG Course in the ESIC Medical College and Post Graduate Institute of Medical Sciences & Research, K.K.Nagar, Chennai, which was not recognised by the Medical Council of India, finally, a writ petition was filed. After completion of the PG Course, he has applied to Tamil Nadu Medical Council for registration of his additional PG Degree and the same was also registered as per the direction given by this Court. But the Tamil Nadu Medical Council as well as the Medical Council of India have challenged the order of the learned Single Judge in Writ Appeal No.614 of 2016 and etc., batch and the said batch was recently disposed of. Therefore, when the writ appeal in W.A.No.614 of 2016, challenging the correctness of the order passed in writ petition is also not enclosed herewith, it is not known as to how the petitioner has come to this Court belatedly after a period of two years. Therefore, the writ petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

The Dean,
Employee's State Insurance Corporation
Medical College & Post Graduate Institute
of Medical Science and Research,
K.K.Nagar, Chennai-600 078.

+ 1 cc to Mr.G.Justin, Advocate Sr.No. 15276

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RRI 16/03/2018

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