

IN THE HIGH COURT OF JUDICATURE AT MADRAS

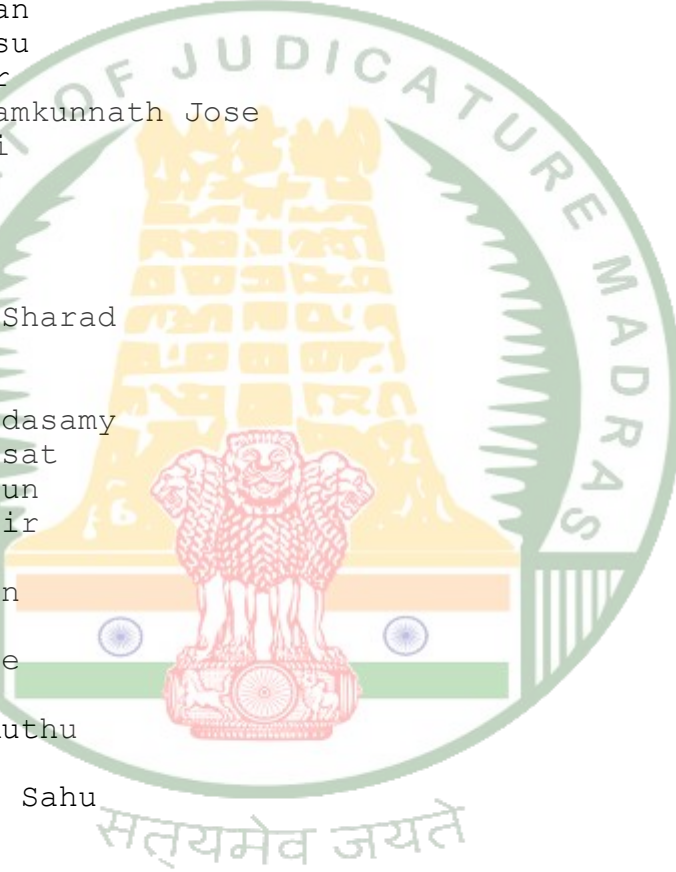
DATED : 01.10.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

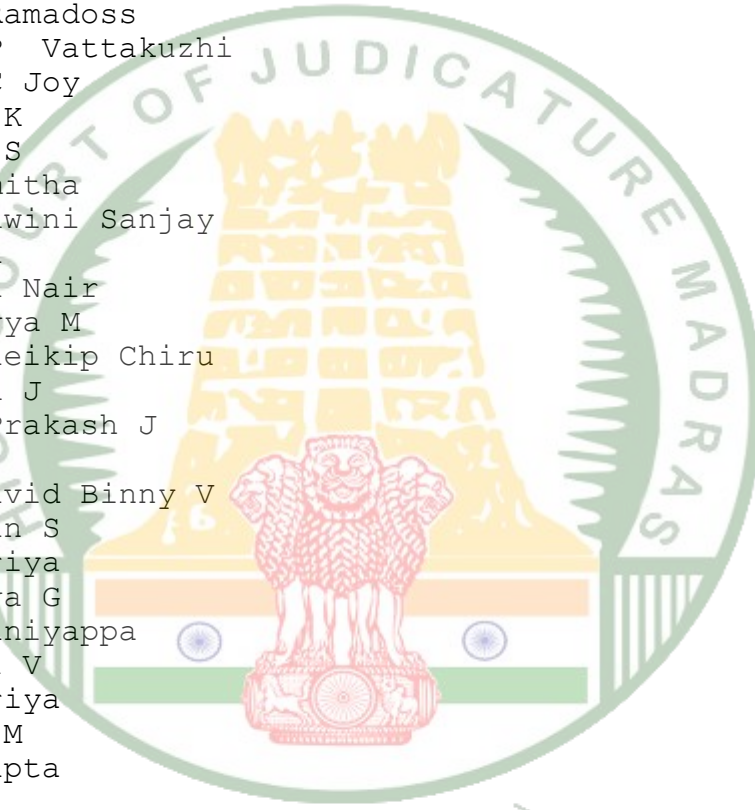
W.P.No.23874 of 2018

- 1.P.S.Sairam
2. Saad Aslam Khan
3. Neimenuo Kuotsu
4. Dr. Amit Kumar
5. Jyothis Puliyamkunnath Jose
6. T.M. Vaishnavi
7. K.Kokila
8. Midhun Mohan
9. G. Vijay
- 10.M.Ramya Jothi
- 11.Warang Omkar Sharad
- 12.V.Vishnupriya
- 13.Neha Dhok
- 14.Sugumaran Kandasamy
- 15.Balarisuk Byrsat
- 16.Anusree A Karun
- 17.Poornima K Nair
- 18.Uday Srinivas
- 19.Thamaraikannan
- 20.Poornima.T
- 21.Merin Varghese
- 22.Martum Jokik
- 23.Ganga Chellamuthu
- 24.K.Sangheetha
- 25.Nishant Kumar Sahu
- 26.Pournami B
- 27.R. Srinath
- 28.K.Gayathri
- 29.Priyanka V K
- 30.Kethavath Anitha
- 31.Flaicy Varghese
- 32.Savitha Manokaran
- 33.Chidambaram Sethuraman
- 34.Vyas Narayan
- 35.Sanjana.S
- 36.Karthika Sankar
- 37.Suhan Dinesh Narayan
- 38.Vaishnavi VK
- 39.Ashwini Muthusamy



40.Kochami P.A
41.Haritha
42.M. Amala Grace
43.Nandhini M.V
44.Vidhya Mohan
45.Sharadha Sundararaman
46.Priyadharsini Jayaprakash
47.Hangshing Thanglawmlal
48.Pradeep Ram S.S
49.J.Nivedita
50.G. Dhivyalakshimi
51.Nazia Hussain
52.Shruthi Jayapal
53.Rajesh M
54.Malavika S
55.Lekshmi Mohan
56.Kaliraj Alwar Murugaraj
57.Susan Jacob
58.R. Afreen Nahar
59.Soundarya Balajee
60.Ajay Abraham
61.Thuraka Shilpa Reddy
62.Nivetha Kameswari V
63.Ann Mary Zacharias
64.Sarath R S
65.Kandkurtikar Rachana Ramchandra
66.G Prasanth
67.Hridya Vasudevan
68.K Lohit Sai
69.Sony P S
70.Teena K
71.Vidhya Rengaraju
72.C.S. Sri Sughanya
73.A K Roopa
74.S. Anu
75.Antony Thomas
76.Jayasree Rajendiran
77.Devi Krishna G S
78.K Praveen
79.Sudha Janaky M S
80.Thomas Babu
81.R Jay Ganesh
82.Ritika Gautam
83.Sneha Suresh
84.Gokul Prasannan
85.Swathy Raju
86.Trupthi Narasimhappa
87.Gomathi V
88.Reman Rajendran
89.A Suja Rajan

90. Shraavan Kumar B S
91. Manochithra
92. Swetha K
93. Vijayaragavan R
94. K G Raj Nihedan
95. A. Abdul Rahim
96. Ameena Aslam
97. Jithu George
98. Ashwini Rajasekaran
99. Krishna Kumar S
100. Atchaya Elangovan
101. Lalitha Rajalakshmi
102. Anusha Ramadoss
103. Treesa P Vattakuzhi
104. Jerrin C Joy
105. Aruna S.K
106. Anupama S
107. C. Madhumitha
108. Raut Ashwini Sanjay
109. Rubu Anu
110. Poornima Nair
111. Sree Divya M
112. T D Varneikip Chiru
113. Prasanth J
114. Swathi Prakash J
115. P. Ezhil
116. Rojer David Binny V
117. Anbarasan S
118. G Nagapriya
119. Sai Shiva G
120. Manju Muniyappa
121. Srinidhi V
122. R. Aiswariya
123. Dhivyaa M
124. Swati Gupta
125. Remya E
126. Shibin Sasidharan
127. Utpal Sutaria
128. N Sudha Priyadharsini
129. Salahudheen M
130. Ajitha D
131. Saranya S
132. Abdul Latheef Abdul Gafoor
133. Shirley T Leivon
134. S Anbarasan
135. Arjun C
136. Ingersal N
137. Varun P.G.
138. Kartavya Kavadya
139. Jerry Abraham Joseph



140.Sinju Sankar P
141.Ani Thampi
142.Shabin J
143.Sunganya E
144.N Ezhil
145.Lakshmi, S. Subedar
146.Remya Parvathy R
147.Bogala Gowthami
148.Sruthi R S
149.Inan Lollen
150.Vivek Nagappa
151.M Srilaxmi
152.Delphin Supriya J
153.Sarath Haridas
154.Aswathy B.S
155.Jamkjhopen Baite
156.Mohammed Thariq
157.Anju Rose George
158.K Praveen
159.Meghana Selvaraj
160.R.Karthik
161.Namitha Rajendran
162.Sathiya T
163.Arun Govind
164.Aarushi Manu
165.Ishwarya Jeyaganthi
166.T Rajakumari
167.Insha Mehraj Kak
168.Arul Murugan A
169.Arunkumar A
170.Niranjana Asokan
171.Arulselvan
172.S Pravinselvam
173.J Manoj
174.Amuthavalli K
175.Mohanapriya Arumugam
176.Jaya Jarika
177.Midhun K Prakash
178.Kaviya Murugesan
179.Gnaneshwari P S
180.Deepika M
181.Hima Surendran
182.Sanju S T
183.Arun Prasanth K
184.Ambuja Sekhar
185.J Hemilda Perianayaki
186.Ashwini B
187.Kunal Kishor Taware
188.S Murali Krishnan
189.S Thalabathik Kumara Vikram

190.Sanjeev P
191.Sanjana S
192.Ragini Rajan
193.Nikhil Raj R
194.Dr.B.Agni
195.Mr. Vasanth Karthikeyan
196.Abdulla Anchukandan
197.PC Hmingmuanpuui
198.Anwika Kirti Kujur
199.Jamsheer VT
200.Dr. Karthikeyan.M
201.Dr. M.Mariam Habeeba
202.Dr. Vijayakumar.A
203.Dr.Esakki
204.Dr. Subashini M.R.
205.Sriradhu V.G.
206.Sindhu Kalyanaraman
207.Meenaxi P Mehta
208.M.Y.Mohamed Yasar

.... Petitioners

Versus

- 1.State (Government of Tamilnadu)
Through its Secretary
Department of Health & Family Welfare, Fort St. George
Chennai-600 009.
- 2.Director of Medical Education,
Directorate of Medical Education(DME),
156,Poonamalle High Road, Kilpauk,
Chennai-600010.
- 3.Registrar
The Tamil Nadu Dr.M.G.R.Medical
University,Guindy,
Chennai-600025
- 4.The Registrar
Tamil Nadu Medical Council
914, Poonamalle High Road
Arumbakkam
Chennai-600 106.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 3rd respondent herein to implement the direction issued by the 2nd respondent by its communication in his proceedings Ref. No.51829/MEEII/1/2017 dated 17.07.2017

For Petitioner : Mr.R.K.Poswal

For R1 & R2 : Ms.V.Annalakshmi, G.A.

For R3 : P.Rajalakshmi SC

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the third respondent namely the Registrar, Tamil Nadu Dr. MGR Medical University, Guindy, Chennai to implement the direction issued by the second respondent by its communication dated 17.07.2017.

2 The Petitioners in this writ petition are all young Doctors by profession. The petitioners got admission into various medical colleges by selection under All India Quota as per the marks in the Government Entrance Examination. The petitioners have successfully completed their MBBS course. The petitioners underwent one year compulsory Resident Internship Training at different Government hospitals attached to the third respondent. All the Medical Colleges in which the petitioners have undergone their medical course are recognised by the Medical Council of India and affiliated to the third respondent university.

3 It is not in dispute that the petitioners have enrolled with the Tamil Nadu Medical Council and the certificates of qualification of MBBS course from the respective colleges were also issued to the petitioners. After completion of their course, the petitioners along with similarly situated candidates requested the third respondent from time to time to handover back to the petitioners, their respective original certificates and testimonials submitted by the petitioners at their time of admission. It is stated that the third respondent refused to return the same on the ground that unless a bond in writing is given by the petitioners to the effect that they would work in the State of Tamil Nadu for two years. The certificates of the petitioners have not been returned to them and hence the present writ petition.

4 The case of the petitioners is that in respect of students, who were admitted in the medical institutions on all India basis, no bond is required and the petitioners cannot be compelled to work in the State of Tamil nadu for two years and that this position is already settled by the Hon'ble Supreme Court in several cases. It is further stated that the second respondent by a communication dated 17.07.2017 has issued a direction to all the Deans of Government Medical Colleges under the control of Directorate of Medical Education has given the

following communication.

"In continuation of this office letter cited, all the Deans of Government Medical Colleges are instructed to return the original certificates only to the students selected under All India Quota without insisting on the undertaking."

5 By virtue of the communication, the second respondent has directed all the Medical Colleges under the control of Directorate of Medical Education to return the certificates to the students selected in All India Quota without insisting their undertaking.

6 The learned counsel for the petitioner relied upon the judgment of this court in the case of Dr. R. Lakshmi Malar Vs. the Directorate of Medical Education and another in W.P.No.14593 of 2014 dated 20.06.2014. In the said case, the student got admission under the Government Quota, and completed her course in May 2014. However, the original certificates of the petitioner were not returned by the Dean of the Madras Medical College and hence, she filed a writ petition for issuance of writ of mandamus directing the respondents to return all the original certificates. The said writ petition was contested by the respondent on the ground that the student has executed a bond to serve in Government Medical hospitals for a period of two years and has under taken to pay a fabulous sum by way of compensation if she do not want to serve in the Government hospital. The question is whether the certificates can be withheld as a condition precedent, was directly answered by this Court in favour of the writ petitioner after following the judgment of Division Bench of this Court in writ Appeal No.2248 of 2013.

7 Having regard to the communication sent by the second respondent to the Deans of all the Medical colleges and other institutions, this court is of the view that the respondents cannot retain the certificates of the petitioners no longer for enforcing the bond condition, which is not applicable to the petitioners. As a result, the writ petition is allowed and the respondents, concerned medical institutions, in which the petitioners have undergone the medical course should handover the original certificate forthwith, after confirming the fact that the petitioners were admitted in the respective Government Medical Colleges on All India basis and the petitioners are entitled to get their certificates in tune with, the communication issued by the second respondent dated 17.07.2017.

No costs. If any of the petitioner has executed any bond, the petitioner shall give an undertaking suitable at the time of getting the certificates.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

1. The Secretary
State Government of Tamilnadu
Department of Health & Family Welfare, Fort St. George
Chennai-600 009.
2. Director of Medical Education,
Directorate of Medical Education(DME),
156,Poonamalle High Road, Kilpauk,
Chennai-600010.
3. Registrar
The Tamil Nadu Dr.M.G.R.Medical
University,Guindy,
Chennai-600025
4. The Registrar
Tamil Nadu Medical Council
914, Poonamalle High Road
Arumbakkam
Chennai-600 106.

+2cc to Mr.R.K.Poswal, Advocate, S.R.No.67733
+1cc to the Government Pleader, S.R.No.68850

W.P.No.23874 of 2018

rgn(co)
cs/11/10/2018

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