

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33450 of 2018 and
WMP.38820/2018

Dr.Rubini.R

.. Petitioner

-vs-

1. The Tahsildar
Tondiarpet Taluk
Chennai

2. The Dean
Office of the Dean
Madras Medical College
Chennai 600 003

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records of the first respondent made in Na.Ka.A1/4207/2018 dated 30.10.2018 and proceedings of the second respondent under Ref.No.3829/ME5/2017 dated 11.12.2017 and quash the same as illegal, arbitrary and non est in law.

For Petitioner :: Mr.B.Vijay

For Respondents :: Mrs.P.Rajalakshmi
Additional Government Pleader
for R1
Mr.V.Kadhirvelu
Special Government Pleader
for R2

ORDER

This writ petition has been filed by a doctor challenging the proceedings for recovery under the provisions of the Revenue Recovery Act, after having executed a bond agreement on 30.6.2014 to serve the Government of Tamil Nadu for a period of not less than two years after successful completion of the DCH course and on such failure of not completing the full bond period of two years, she shall forthwith pay a sum of Rs.10,00,000/- to the Government of Tamil Nadu Medical Services. It was also agreed upon that during the above period, the

petitioner shall be paid stipend and the Government of Tamil Nadu will requisition her services, if required, within a period of two years from the date of completion of the DCH course. After execution of the bond agreement on 30.6.2014, she was issued with the temporary appointment order by the proceedings dated 18.7.2016 passed by the Director of Public Health and Preventive Medicine, Chennai under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules, appointing the petitioner as Temporary Assistant Surgeon (Specialist) at Government Hospital, Mandapam Camp, Ramanathapuram District. Thereafter, the petitioner applied for the Post Graduate Diploma in DNB (Paediatrics) at National Board of Examinations in January, 2018. Again she took part in the centralized counselling held on 11.4.2018 at New Delhi and opted for DNB course at G.Kuppusamy Naidu Memorial Hospital, Coimbatore in the speciality of Paediatrics. The National Board of Examinations also issued an order on 11.4.2018 allotting a seat in the Post Graduate Diploma in the speciality of Paediatrics at the G.Kuppusamy Naidu Memorial Hospital, Coimbatore to the petitioner. As the petitioner has to undergo the said course for a period of two years till June 2020, the Dean of Madras Medical College, Chennai, the second respondent herein has issued the show cause notice dated 11.12.2017 calling upon the petitioner to join the Tamil Nadu Medical Services, as per the temporary appointment order dated 18.7.2016 indicating in the show cause notice that the terms of the bond would be invoked for recovery of Rs.10,00,000/- in case the petitioner fails to report for duty, based on which the first respondent has issued the proceedings dated 30.10.2018 for recovery. The petitioner, after giving a representation on 19.11.2018 stating that she has joined the Post Graduate course in DNB (Paediatrics) and pursuing the same at G.Kuppusamy Naidu Memorial Hospital, Coimbatore, informed the second respondent that she would join the Tamil Nadu Medical Services and serve for a period of not less than two years, as per the terms of the agreement bond after completion of the course in DNB (Paediatrics).

2. Learned counsel for the petitioner submitted that as the petitioner had borrowed money to meet out the educational expenses and she has also secured admission in G.Kuppusamy Naidu Memorial Hospital, Coimbatore for the speciality course in Paediatrics, she may be permitted to join after completion of the said course.

3. But this Court is unable to find any justification whatsoever in the writ petition. When the petitioner, being a doctor, has consciously executed a bond on 30.6.2014, after accepting the appointment under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules as Temporary Assistant Surgeon (Specialist) at Government Hospital, Mandapam Camp, Ramanathapuram District, she cannot be allowed to take a mercy

plea either before this Court or before the respondents, as she is bound by the terms of the bond agreement. Therefore, this Court, finding no infirmity in the impugned proceedings, is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. However, when this Court was inclined to impose costs on the petitioner for wasting Court's valuable time, the learned counsel for the petitioner pleaded that since the petitioner is not practising, she will not be able to mobilise the amount. Considering the submission that the petitioner is not practising, this Court is not inclined to impose costs on her. Consequently, W.M.P.No.38820 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar
Tondiarpet Taluk
Chennai
2. The Dean
Office of the Dean
Madras Medical College
Chennai 600 003

+lcc to Mr. B.Vijay, Advocate, S.R.No. 88542

+lcc to the Government Pleader, S.R.No. 88951

सत्यमेव जयते

W.P.No.33450 of 2018

KAN (CO)

GN (23/01/2019)

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