



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.07.2019
CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.(MD)Nos.591 to 594 of 2019
and
C.M.P.(MD)Nos.4842 to 4848 of 2019

- 1.The Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 2.The Director of Public Health and
Preventive Medicine, College Road,
Chennai - 600 006.
- 3.The Dean,
Madurai Medical College,
Madurai - 625 020,
Madurai District.
: Appellants/Respondents in all the Writ Appeals

Vs.

- | | |
|-------------------------|--|
| 1.J.Christeena Indirani | : Respondent in W.A.(MD)No.591 of 2019 |
| 2.M.Vivek | : Respondent in W.A.(MD)No.592 of 2019 |
| 3.Dr.K.Priyadharshini | : Respondent in W.A.(MD)No.593 of 2019 |
| 4.S.Kadhirvel | : Respondent in W.A.(MD)No.594 of 2019 |

COMMON PRAYER: Writ Appeals are filed under Clause 15 of Letters Patent Act, against the common order dated 26.03.2019 passed in W.P.(MD)Nos.18249 to 18251 and 18504 of 2018, respectively.

Prayer in WP(MD). 18249/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 3rd respondent Dean, Madurai Medical College to issue the Transfer Certificate and Conduct Certificate to the petitioner and to return her all original nine certificates submitted by the petitioner at the time of admission to the 3rd respondent college.

**Prayer in WP(MD). 18250/ 2018 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 3rd respondent Dean, Madurai Medical College to issue the Transfer Certificate and Conduct Certificate to the petitioner and to return his all original seven certificates submitted by the petitioner at the time of admission to the 3rd respondent college.

Prayer in WP(MD). 18251/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a order of Writ of Mandamus directing the 3rd respondent Dean, Madurai Medical College to issue the Transfer Certificate and Conduct Certificate to the petitioner and to return her all original seven certificates submitted by the petitioner at the time of admission to the 3rd respondent college.

Prayer in WP(MD). 18504/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 3rd respondent Dean, Madurai Medical College to the petitioner and to return his all original seven certificates submitted by the petitioner at the time of admission to the 3rd respondent college,

For Appellants in
all the W.As.

: Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.V.R.Shanmuganathan
Special Government Pleader

For Respondent in
all the W.As.

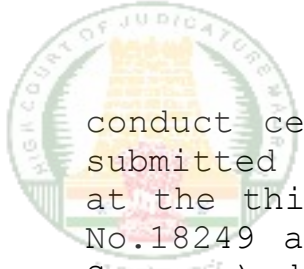
: Mr.T.Cibi Chakraborty

C O M M O N J U D G M E N T

[Judgment of the Court was delivered by **K.RAVICHANDRABAABU, J.**]

All these Writ Appeals are filed against the common order, passed by the Writ Court in W.P.(MD)Nos.18249 to 18251 and 18504 of 2018, dated 26.03.2019.

2.The appellants are the respondents before the Writ Court. Those writ petitions were filed for issuing Writ of Mandamus directing the third respondent therein viz., the Dean, Madurai Medical College, Madurai, to issue the transfer certificate,



conduct certificate and also to return all original certificates submitted by the respective petitioners at the time of admission at the third respondent college. The writ petitioners in W.P.(MD) No.18249 and 18250 of 2018, underwent three years M.S., (general Surgery) degree course and the writ petitioner in W.P.(MD)No.18251 of 2018 underwent three years M.D. (Anesthesiology) degree course in the third respondent college. Likewise, the writ petitioner in W.P.(MD)No.18504 of 2018 underwent three years M.D., (general medicine) degree course in the third respondent college. After successfully completing their P.G. Degree courses in the third respondent college, they sought for issuing the transfer certificate, conduct certificate and also for return of their original certificates produced at the time of their admission into third respondent college. Since their request for return of the original certificates was not considered, they approached this Court and filed the above writ petitions.

3.The said writ petitions were opposed by the respondents therein (appellants herein) by contending that the writ petitioners at the time of joining the P.G. Degree course, have executed an agreement bond thereby undertaking to serve the Government for certain period on successful completion of the course and that if they are not in a position to discharge the bond obligation, they would pay certain amount as bond amount. Therefore, it was contended by the respondents before the writ Court that without complying with the undertaking given by the writ petitioners, they are not entitled to get back the original certificates, more particularly, the certificate of the P.G. Degree.

4.The Writ Court, after hearing both sides, found that the educational certificates of the candidates cannot be retained for whatever reason and that it was always open to the authorities to sue the petitioners for recovery of the bond amount. After observing so, the Writ Court directed the respondents therein to hand over the petition mentioned certificates to the respective petitioners. Challenging the said order of the Writ Court, the present appeals are filed.

5.When these appeals were taken up for hearing, the respondents in Writ Appeal(MD)Nos.591, 592 and 594 of 2019 have filed an affidavit of undertaking individually in similar lines, as hereunder:-

"1.I state that I am the respondent herein and the petitioner in the writ petition. I am well acquainted with the facts of the case.

2.I humbly state that I undertake that I will
any one of the Government Hospital or
Government Medical Colleges under the State Government
after the publication of results of NEET-2021. However,



in the event of me getting selected in any super-specialty course or any fellowship course at any College/Institution/Organization on or before the academic year 2021, I undertake that I will serve in any one of the Government Hospital or Government Medical Colleges under the State Government, after completion of the super-specialty/fellowship course.

3.I humbly submit that this Hon'ble High Court may be pleased to accept this affidavit and pass such further or other suitable order/orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, and thus render justice."

6.Likewise, the respondent in W.A.(MD)No.593 of 2019 has also filed an affidavit of undertaking, wherein it is stated as follows:-

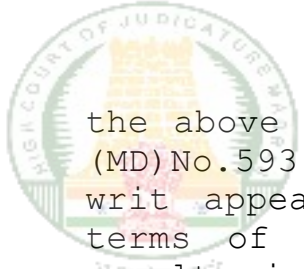
"1.I state that I am the respondent herein and the petitioner in the writ petition. I am well acquainted with the facts of the case.

2.I state that on successful completion of my PG Degree Course - MD (Anesthesiology) at the third respondent college in the year 2018, I was appointed and posted as Assistant Surgeon at the Government Hospital, Viralimalai, Pudukottai District, vide proceedings of the 2nd appellant in R.No.59630/E5/A4/2018-DMS-65, dated 03.08.2018, I joined duty on 26.09.2018. Later, I was transferred to Government Hospital, Tiruppur District on 07.06.2019 and I am presently working in the above place till date. As such, I have completed 9 months of my Government service till date.

3.I humbly submit that I undertake that I will continue to serve my service at Government Hospital, Tiruppur District. However, in the event of me getting selected in any super-specialty course or any fellowship course at any College/Institution/Organization on or before the academic year 2021, I undertake that I will serve the remaining period of Government service after completion of the super-specialty/fellowship course.

4.I humbly submit that this Hon'ble High Court may be pleased to accept this affidavit and pass such further or other suitable order/orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, and thus render justice."

<https://hcservices.ecourts.gov.in/hcservices/> stated that the respondent in W.A.(MD)No.593 of 2019 is already working at a Government hospital, Tiruppur District, after completion of her P.G. Degree course. Therefore,



the above specific undertaking is given by the respondent in W.A. (MD)No.593 of 2019. In effect, all the respondents in the above writ appeals have now given an undertaking to comply with the terms of the bond executed by them, after the declaration of results in NEET on or before the academic year 2020-2021. Since the above undertaking is given by the appellants, which in effect, is in conformity with the bond executed by them already, we find nothing survives in the writ appeals to be adjudicated upon further, except to record the above undertaking given by the respondents with a further direction to the appellants to return all their original certificates, except the P.G. Degree certificate, as stipulated hereunder:-

"(a).The third respondent shall return all the original certificates submitted by the respective petitioners at the time of admission into P.G. Degree course to the respective writ petitioners, within a period of two weeks from the date of receipt of a copy of this order, apart from issuing the transfer and conduct certificates.

(b).Insofar as the P.G. Degree course certificate is concerned, the third respondent will submit the same before the Selection Committee for super-specialty course, if so required by the petitioners, through their officials and after scrutiny of such certificate by the Selection Committee, will take back the said certificate and retain the same and return the said certificate to the petitioner after completion of the bond period, as has been undertaken in the affidavit filed before this Court, as extracted supra."

8.These writ appeals are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Director of Medical Education,Kilpauk, Chennai - 600 010.
 - 2.The Director of Public Health and Preventive Medicine, College Road, Chennai - 600 006.
 - 3.The Dean, Madurai Medical College, Madurai - 625 020, Madurai District.
- +1cc to the Spl.Govt.Pleader Sr.No.75997
+4cc to Mr.T.CIBI CHAKRABORTHY, Advocate, SR.Nos.75945 to 75948

Judgment made in
W.A. (MD) Nos.591 to 594 of 2019