

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.7856 to 7858, 8363 of 2020
8433, 8434, 8435, 8436, 8437, 8440 and 8306, 8438 and 8439 of
2020
and connected Miscellaneous Petitions

Dr.S.Praveen Kumar, ... Petitioner in W.P.No.7856 of 2020
Dr.Sudalai Selvam.M ... Petitioner in W.P.No.7857 of 2020
Ms.B.Thanuja ... Petitioner in W.P.No.7858 of 2020
Dr.J.Bhavana ... Petitioner in W.P.No.8363 of 2020
Dr.P.Kavya ... Petitioner in W.P.No.8433 of 2020
Dr.Logamani. P.K. ... Petitioner in W.P.No.8434 of 2020
Dr.Logesh.T ... Petitioner in W.P.No.8435 of 2020
Dr.R.Seshadri ... Petitioner in W.P.No.8436 of 2020
Dr.M.Subhashini ... Petitioner in W.P.No.8437 of 2020
Dr.Rashmi.R.L. ... Petitioner in W.P.No.8440 of 2020
Dr.Monesh.K.B. ... Petitioner in W.P.No.8306 of 2020
Dr.S.Annapoorani ... Petitioner in W.P.No.8438 of 2020
Dr.K.Lavanya ... Petitioner in W.P.No.8439 of 2020

Vs.

1. Union of India,
Rep by its Principal Secretary,
Ministry of Heath and Family Welfare,
Nirman Bhavan, New Delhi - 110 001.

2. The Employees State Insurance Corporation/College,
Rep by its Asst. Director General, Medical division IV, HQRS
Office,
Panchadeep Bhavan, CIG Mar,
New Delhi - 110 002.
3. ESIC Medical Collage & PGIMSR,
Rep. By its Dean, Ashok Pillar Road,
K.K.Nagar, Chennai - 600 078.
4. Tamil Nadu Medical Council,
Rep. By its Registrar No.914, Poonamalle High Road,
Arumbakkam, Chennai.
5. The Selection Committee,
Directorate of Medical Education,
No.162, E.V.R.Periyar Salai,
Kilpauk, Chennai - 600 010.
6. The Medical Council of India,
Rep. By its Secretary,
Pocket No.14, Sector 8, Dwarka,
Phase - 1, New Delhi - 110 077. ... Respondents 1 to 6
in all the Petitions
7. The President,
National Board of Examinations,
Medical Enclave, Ansari Nagar,
Ring Road, New Delhi - 110 029. ...7th Respondent in WP 8363
& 8436 of 2020

Prayer in WP No.7856 to 7858, 8437, 8306 and 8363 of 2020 : Writ
Petition is filed under Article 226 of the Constitution of
India, to issue a Writ of Certiorari Mandamus Praying to
call for the records pertaining to the office order No.03/2019
dated 03.05.2019 vide No.L-11/12/3/2018- (Bond) MECCell of the
2nd respondent by which the Petitioner has been appointed as
ESIC Junior Resident under ESI Residency Scheme on the basis the
additional Criteria for execution of a bond including the surety
bond executed by the petitioners parents in the prescribed
format for compulsory five years service in Hospital run and
administered by the 2nd Respondent Corporation and quash the same
and consequently forbear the 2nd and 3rd Respondent from enforcing
the bond/surety bond executed by the Petitioner and the
petitioners Parents respectively.

Prayer in WP Nos.8433 to 8436 and 8438 to 8440 of 2020 : Writ
Petition is filed under Article 226 of the Constitution of
India, to issue a Writ of Certiorari Mandamus praying to

call for the records pertaining to the office order No.03/2019 dated 03/05/2019 vide No.L-11/12/3/2018-(Bond) MECCELL of the 2nd respondent by which the petitioner has been appointed as ESIC Junior Resident under ESI residency scheme on the basis the additional criteria for execution of a bond including the surety bond executed by the petitioners parents in the prescribed format for compulsory five year service in Hospitals run and administered by the 2nd respondent Corporation and set aside the same and consequently forbear the 2nd and 3rd Respondent from enforcing the bond/surety bond executed by the petitioner and the petitioners Parents respectively.

For Petitioner : Mr.Haja Mohideen Gisthi,
(in all the petitions) for Mr.T.K.S.Gandhi

For Respondent 1 : Mr.R.Vasudevan,

For Respondent 2 & 3: Mr. Mr.TNC Kaushik,

For Respondent 4 : Mr.G.Sankaran,

For Respondent 5 : Mr.Abdul Saleem,

For Respondent 6 : Mr.V.P.Raman,

C O M M O N O R D E R

In all the above writ petitions, each petitioner has filed a Memorandum for withdrawal of writ petition. The petitioners are willing to comply with the revised Memorandum issued by the Employees State Insurance Corporation (ESIC) dated 06.08.2020.

2. The learned counsel appearing on behalf of the petitioners submitted that the petitioners will be allowed to avail the revised bond condition only after the withdrawal of the writ petitions and therefore, they have filed Memorandum for withdrawal in each writ petition.

3. Mr.T.N.C.Kaushik, learned Standing counsel appearing on behalf of the ESIC also confirmed the fact that the Corporation issued a Circular dated 28.07.2020 modifying the conditions of bond and it was further clarified by the subsequent Memorandum issued on 06.08.2020. The learned counsel submitted that this modified Memorandum will also apply to the existing students, who have filed the Court cases.

4. Taking into consideration the Memorandum of withdrawal filed by the petitioners and after recording the submissions on either side, all these writ petitions are disposed of as withdrawn with a liberty to the petitioners to approach the ESI Corporation and workout their remedy in accordance with circular dated 28.07.2020 and the subsequent Memorandum dated 06.08.2020. Now that the writ petitions have been withdrawn, the ESI Corporation shall permit the petitioners to act upon the subsequent clarifications issued by the Corporation. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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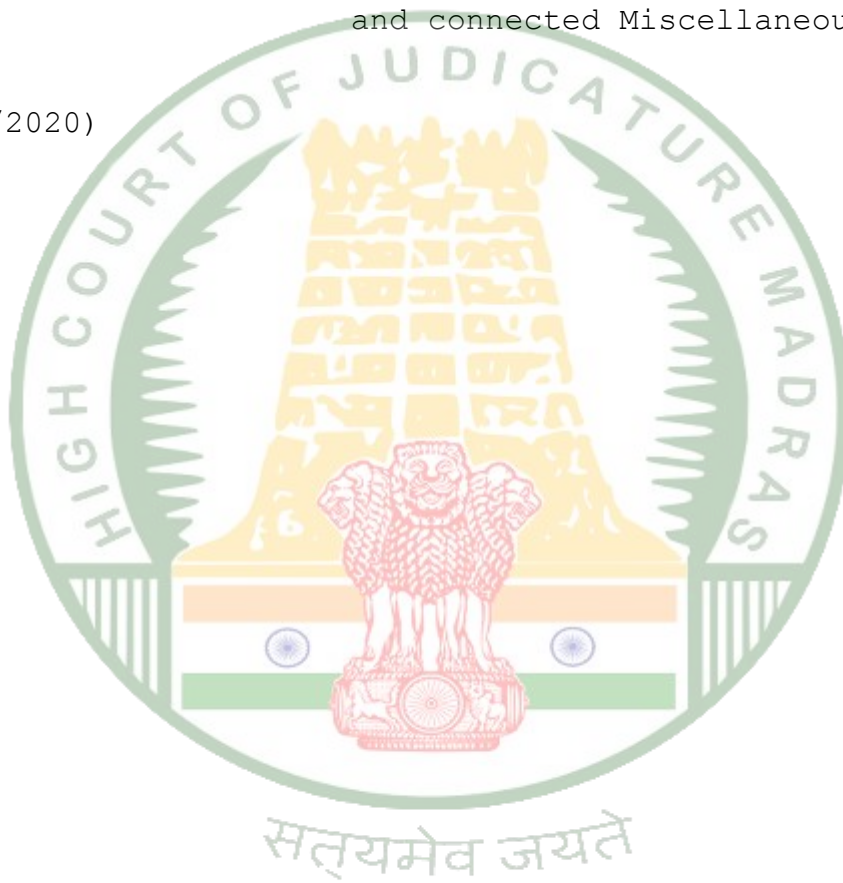
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+1cc to Mr.V.P.Raman, Advocate SR.No.31633

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GMV (05/10/2020)



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