

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.8166 of 2020
and WMP Nos.9713,9714 and 9715 of 2020

D. Mohana Priya

.. Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Director of Medicine, Kilpauk,
Chennai-600 010.
3. The Dean,
Madras Medical College,
E.V.R. Periyar Salai, Chennai - 600 003.
4. The Dean,
Rajiv Gandhi Government Women
and Children Hospital, Ellapillaichavadi,
Puducherry- 605 011.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 1st respondent in G.O. Ms.No. 185 Health and Family Welfare (MCA-I) Department dated 13.04.2020 and the consequential order of the 2nd respondent in proceedings in R.Dis.no. 092905/ MEII (1) 2019 dated 18.05.2020 and quash the same and consequently directing the respondents 1 to 4 to permit the petitioner to join and undergo the DNB(OBGY) Course for the admission in the year 2020 in the 4th respondent college with the undertaking affidavit and bond for rendering service under the respondents 1 and 2 after the completion of the Higher Specialty course of the petitioner.

For Petitioner : Mr. C.Vidhusan

For Respondents: Mr.E.Manokaran

Special Government Pleader

ORDER

This matter is taken up for hearing through Video-conferencing.
<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner challenges the order of the second

respondent dated 18.05.2020 requiring her to execute a Bank Guarantee for a sum of Rs.20,00,000/- for returning her original Certificates to enable her to join DNB Course. It is not in dispute that the petitioner had executed a Bond undertaking to serve the Tamil Nadu Government for the period of two years after completing her post graduation. She had not been provided with any employment by the Government of Tamil Nadu. The petitioner therefore sought to pursue further Education and she has been successful in getting a seat for pursuing DNB at the fourth respondent institute.

3. When she sought for return of her certificates, the second respondent had passed impugned order requiring her to furnish a Bank Guarantee for a sum of Rs.20,00,000/- which is the amount covered by the Bond. Aggrieved, the petitioner has come up with this Writ Petition.

4. When the matter came up yesterday, Mr.E.Manokaran, learned Special Government Pleader (Higher Education) took time to get instructions and today when the matter was called, Mr.E.Manokaran, would report, upon instructions, that the respondents 2 and 3 are ready to return the original Certificates of the petitioner, upon her giving an undertaking that she would serve Government of Tamil Nadu for a period of two years after completing the DNB Course. The petitioner has also filed an affidavit undertaking to abide by the Bond conditions and serve the Government of Tamil Nadu for the period of two years, after completing her DNB Course. The said affidavit is taken on record.

5. The Writ Petition is disposed of with the direction to the respondents to return the original Certificates of the petitioner forthwith.

6. The petitioner who is from Pondicherry has come to Chennai to-day. Mr.E.Manokaran, learned Special Government Pleader, Higher Education would submit that he would ensure that the Certificates are returned to the petitioner in the course of the day.

7. This Court records its appreciation for the prompt and positive response of Mr.E.Manokaran, Special Government Pleader understanding the current situation.

8. The Writ Petition is disposed of with the above direction. It is made clear that this will be a stand alone instance and will not be taken as a precedent in future.

Sd/-

Assistant Registrar

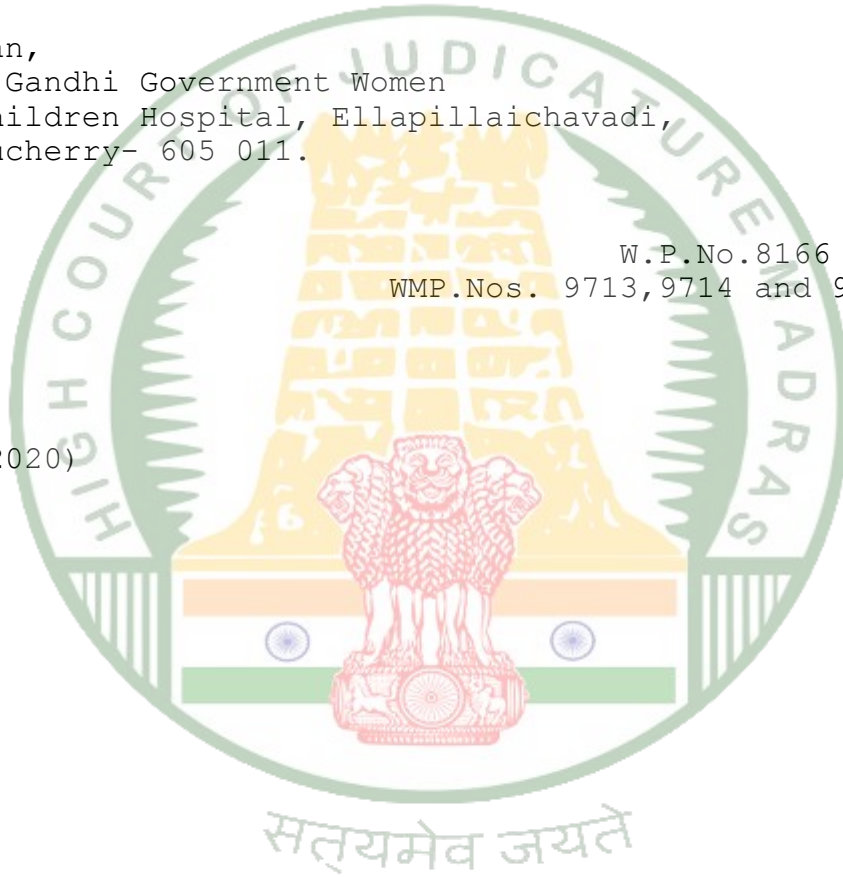
//True Copy//

To

1. The State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Director of Medicine, Kilpauk,
Chennai-600 010.
3. The Dean,
Madras Medical College,
E.V.R. Periyar Salai, Chennai - 600 003.
4. The Dean,
Rajiv Gandhi Government Women
and Children Hospital, Ellapillaichavadi,
Puducherry- 605 011.

W.P.No.8166 of 2020 and
WMP.Nos. 9713,9714 and 9715 of 2020

GS (CO)
GN(06/08/2020)



WEB COPY