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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.8310 of 2020
and
W.M.P.No.9965 of 2020

Dr.J.Abna

..Petitioner

Vs.

1.The Madras Medical College,
Rep.by its Dean,
Near Park Town Station,
Park Town, Chennai -3.

2.Apollo Hospitals,
Greaves Road,
Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus, directing the 1st respondent to return the original certificates of the petitioner to enable the petitioner to join DNB PG degree course in the 2nd respondent hospital within the time that may be stipulated by this Court.

For Petitioner : M/s.Ajmal Associates

For Respondents : Mr.E.Manoharan
Special Government Pleader
(Higher Education) for R1

ORDER

This matter is taken up for hearing through Video-Conferencing.

2. The petitioner seeks a writ of mandamus, directing the 1st respondent namely the Madras Medical College to return the original certificates to her, to enable her to join DNB Super Specialty Course in the 2nd respondent hospital. The Certificates are withheld by the 1st respondent since, the



petitioner has not completed the conditions contained in the bond executed by her when she underwent Post Graduate Course.

3. As per the bond condition, she has to serve the Government of Tamil Nadu for a period of two years and the Government of Tamil Nadu is free to requisition her services within a period of two years. It is also seen from the records that the petitioner was required to join as Assistant Surgeon in Government hospital at Virudunagar. She however did not join. It is claimed that her failure to join the post is due to bonafide reason. The petitioner would now contend that she would abide by the bond condition after completing her DNB Course.

4. Mr.E.Manoharan, learned Special Government Pleader who appears for the 1st respondent would vehemently contend that as per G.O.Ms.No.185, Health and Family Welfare Department, dated 13.04.2020, those candidates who have completed the Post Graduate Course and not complied with the bond conditions, will have to furnish a Bank Guarantee for Rs.20,00,000/- if they seek return of the certificates in order to pursue higher education, in addition to giving an undertaking to serve the Government of Tamil Nadu for a period of two years after completing the Course. The said Government order is not challenged by the petitioner.

5. In a similar situation, in W.P.(MD).No.6145 of 2020, Hon'ble Justice.P.D.Adhikesavalu has directed the petitioner to deposit a sum of Rs.20,00,000/- in a Fixed Deposit in favour of Registrar Judicial of Madurai Bench of this Court and upon production of the receipt, the respondents were directed to return the original certificates. The sum of Rs.20,00,000/- was also directed to be invested in Fixed Deposit and on the petitioner reporting for duty after completing her DNB Course, the said amount would be returned to the petitioner. I think a similar direction would safe guard the interest of the Government in this case also.

6. Hence, the writ petition is disposed of with the following direction:

(i)The petitioner shall deposit a sum of Rs.20,00,000/- in a Fixed Deposit in the name of Registrar Judicial of the Madurai Bench of this Court for a period of two years.

(ii)Upon production of the copy of the Fixed Deposit receipt, the 1st respondent is directed to return the original certificates to the petitioner.

(iii)When the petitioner reports for duty after completing her higher studies, the respondents shall issue posting



order to her and on the petitioner resubmitting the original certificates to the concerned authorities, she shall be entitled to apply to this Court for refund of the amount deposited with accrued interest.

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(iv) In the event of the petitioner failing to report to duty after completion

of the said course, it is open to the respondents to apply to this Court for encashing the Fixed Deposit with accrued interest for non compliance of the conditions of the bond executed by her.

(v) The petitioner shall report to duty within a period of two months from the date of completion of the DNB Course period.

7. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

The Dean,
The Madras Medical College,
Near Park Town Station,
Park Town,
Chennai -3.

The Registrar Judicial,
Madurai Bench of Madras High Court
Madurai

W.P.No.8310 of 2020
and
W.M.P.No.9965 of 2020

CA (CO)
RN (06/07/2020)