



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.2841 of 2020

and

WMP (MD) No.2399 of 2020

Dr.M.Sivakumar

Petitioner

Vs

1. The Deputy Director of Health Services,
Aranthangi,
Pudukkottai District.
2. The Director of Public Health,
Chennai.
3. The Block Medical Officer,
Government Primary Health Centre,
Singavanam,
Pudukkottai District.
4. The Secretary,
Health Department,
Government of TamilNadu,
Chennai.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to return the original certificates of the petitioner viz., SSLC, HSC, CRRI Completion Certificate, Degree Certificate, MCI Registration Certificate, Community Certificate, Course cum Conduct Certificate for the purpose of admission into any of the Post Graduation Courses in Medicine through All India Counseling by considering the petitioner's representation dated 04.02.2020.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader



O R D E R

This Writ Petition is filed to direct the respondents to return the original certificates of the petitioner viz., SSLC, HSC, CRRI Completion Certificate, Degree Certificate, MCI Registration Certificate, Community Certificate, Course cum Conduct Certificate for the purpose of admission into any of the Post Graduation Courses in Medicine through All India Counseling by considering the petitioner's representation dated 04.02.2020.

2. The case of the petitioner is that the petitioner has completed his graduation in Medicine and Surgery (MBBS) in the year 2017. In December 2018, he appeared for the exams conducted by the Medical Services Recruitment Board and was selected to be appointed for the post of Assistant Surgeon(General) and he was posted as an Assistant Surgeon(General) in the Medical Department of the Government of Tamilnadu, as per the proceedings of the second respondent dated 04.07.2019. At the time of joining his service at Singavanam Primary Health Centre, Aranthangi on 08.07.2019, he has submitted all his original certificates pertaining to his educational qualifications to the first respondent. Since then, he is working in the said Primary Health Centre as Assistant Surgeon. It is the further case of the petitioner that in order to participate in the Post Graduate NEET Counseling, he would require to submit all his original certificates for verification. As the oral request of the petitioner to the first respondent for return of certificates was not considered, he has sent his representation to the first respondent on 04.02.2020, through registered post. Since no action has been taken by the first respondent to return the original certificates of the petitioner, he has come before this Court with this present Writ Petition.

3. The learned counsel for the petitioner submitted that the Post Graduate NEET Counseling will be conducted in the fourth week of this month (March 2020), the petitioner is in urgent need of his original Educational Certificates, which were submitted to the first respondent herein, at the time of his appointment. Non-submission of original certificates would affect his chance of getting admission in reputed institution. Hence, the learned counsel prays this Court to direct the respondents to return all his original certificates to the petitioner forthwith.

4. On the other hand, the learned Additional Government Pleader submitted that since the petitioner had agreed to work with the respondent for three years, the certificates were not returned to him. The petitioner had sent a representation by offering to work, after completion of his higher studies and that was also not acceptable. The learned Additional Government Pleader on instructions submitted that in earlier, while dealing with the similar issue, the petitioner in some other case had opted for registration and this Court had directed the respondent to return the



original certificates to the petitioner on his resignation. Hence, the learned Additional Government Pleader suggests that if the petitioner renders his resignation, the same order can be followed in this case also.

5. Heard both sides and perused the documents.

6. It is an admitted fact that the petitioner has been appointed as Assistant Surgeon (General) with a condition that he should serve in Government for a period of not less than three years. Now the petitioner is willing to participate in the Post Graduate NEET Counseling, which is scheduled to be held during the fourth week of this month (March 2020). Further, it is brought to the notice of this court that in a similar case filed before this Court for return of original certificates, this Court passed the following order:-

4. The learned counsel for the petitioner brought to the notice of this Court the order passed under similar circumstances in W.P.No.11796 of 2015, dated 21.04.2015 (Dr.P.Kanimozhi vs. The Government of Tamil Nadu), wherein, at Paragraph No.9, it is stated as follows:-

"In the result, the Writ Petition is disposed of and the fourth respondent is directed to return the original certificates/testimonials collected from the petitioner at the time of her joining the service as Assistant Surgeon at Primary Health Centre, Melolakkur Vallam Block, Villupuram District, forthwith. The fourth respondent is also directed to take a decision on the letter of resignation dated 20.04.2015, submitted by the petitioner, as expeditiously as possible."

Also, it is stated by the learned counsel for the petitioner that online counseling is scheduled to be held on 12.03.2020. The learned counsel for the petitioner submits that the petitioner will render his resignation immediately, as suggested by the learned Government Pleader.

7. Considering the facts and circumstances of the case, the judgment passed in a similar case and also the submissions of the learned counsel for the petitioner as well as the respondents and taking into account the date of counseling, there shall be a direction to the petitioner to submit his resignation on 11.03.2020 as agreed by the petitioner, enclosing the copy of this order and there shall be a further direction to the concerned respondent to return all the original certificates of the petitioner within four days i.e on or before 14.03.2020, on receipt of the petitioner's resignation letter along with the copy of this order.



8. With the above observations and directions, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar ()
// True Copy //

/ /2020
Sub Assistant Registrar(CS)

To

1. The Deputy Director of Health Services,
Aranthangi,
Pudukkottai District.
2. The Director of Public Health,
Chennai.
3. The Block Medical Officer,
Government Primary Health Centre,
Singavanam,
Pudukkottai District.
4. The Secretary,
Health Department,
Government of TamilNadu,
Chennai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-10797[F] dated 10/03/2020)

+1 CC to M/s.Special Govt.Pleader (SR-10894[F] dated 10/03/2020)

W.P.(MD) No.2841 of 2020 and
WMP(MD) No.2399 of 2020
10.03.2020

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