

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24/2/2021

C O R A M

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WRIT PETITION NO.3982 OF 2021

Dr.Preetha

.. Petitioner

Vs

1. The Director of Medical Education  
The Directorate of Medical Education  
162 Periyar E.V.R.High Road  
Kilpauk, Chennai 600 010.

2. The Dean  
Madurai Medical College  
Madurai 625 020.

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 1 and 2 to return forthwith the following certificates of the petitioner namely, X Standard CBSE (Secondary School Examination) Certificate; XII Standard CBSE (Senior School Examination) Certificate; MBBS Degree certificate; CRR Completion Certificate; MBBS Final year mark sheet; MBBS course cum conduct certificate; MBBS attempt certificate; DLO certificate; DLO Degree mark list; Transfer certificate & Conduct certificate and Migration certificate and further direct the respondents jointly and severally to consequentially compensate the petitioner upon paying such sum as may be awarded by this Court towards her loss of one precious year of higher study namely DNB Course, distress and mental agony that came to be suffered by her due to the inconsiderate and irresponsible acts of the respondents.

For petitioner ... Mr.N.Somasundar

For respondents ... Mr.Manoharan  
Special Government Pleader

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## O R D E R

This Writ Petition has been filed to direct the respondents 1 and 2 to return forthwith the certificates of the petitioner, namely, X Standard CBSE (Secondary School Examination) Certificate; XII Standard CBSE (Senior School Examination) Certificate; MBBS Degree certificate; CRRI Completion Certificate; MBBS Final year mark sheet; MBBS course cum conduct certificate; MBBS attempt certificate; DLO certificate; DLO Degree mark list; Transfer certificate & Conduct certificate and Migration certificate and further direct the respondents jointly and severally to consequentially compensate the petitioner upon paying such sum as may be awarded by this Court towards her loss of one precious year of higher study namely DNB Course, distress and mental agony that came to be suffered by her due to the inconsiderate and irresponsible acts of the respondents.

2. Though this writ petition is filed for the relief of returning of the original certificates as well as for the compensation, learned counsel appearing for the petitioner confined his relief with regard to the return of original certificates alone, considering the fact that he has been selected by the Kerala Service Public Commission.

3. Relying on paragraph No.99 of the order, dated 6/10/2020, made in W.A.No.799 of 2019, etc., batch, Mr.Manoharan, learned Special Government Pleader appearing for the respondents would submit that the petitioner is not entitled for compensation. He has also conceded that they have not provided any job to the petitioner during the bond period.

4. Paragraph No.99 of the order, made in W.A.No.799 of 2019 is extracted hereunder:-

"The learned Additional Advocate General contended that the process otherwise alone could not be completed because of the matter being sub judice. We do not find any impediment having been created by the matter being sub judice, except for a view orders having been passed for the release of certificates. Nonetheless, to come forward with such a excuse is nowhere justified, in as much as it was always open to the State to have come forward with an affidavit issuing posting orders to all those candidates, including the writ petitioners, who had passed out their Post Graduate Course and were awaiting employment. Needless to say that the stakes of a medical

student having passed his/her Post Graduate course and then to keep him/her unendingly waiting for employment mars the career of such a candidate either for future studies or even for any appropriate employment. It appears that it is for this reason that the Committee which was constituted after the directions of the Apex Court in the case of Association of Medical Superspeciality Aspirants and Residents and Others (supra) has reduced this waiting period upto one year for All India Quota candidates. However, the fact remains that in the present case, the State had made it conditional by keeping the said period as two years. The aforesaid two years period, therefore, was well known to all the writ petitioners and as such, we are of the opinion that the students who have passed out will have to await posting orders which can arrive within two years. This is not to say that they cannot pursue any study or get an employment in the interregnum period and have to compulsorily remain idle for two years. However, any such occupation being taken up by them may have to be given up if the State offers a job opportunity within the two year period, which they are liable to perform for the period for which they have filled up the bond. To that extent, we find that the writ petitioners are bound by the said conditions."

5. In view of the above cited decision, this writ petition is allowed, with a direction to the respondents to return the certificates to the petitioner, within a period of one week, from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Director of Medical Education  
The Directorate of Medical Education  
162 Periyar E.V.R.High Road  
Kilpauk  
Chennai 600 010.
2. The Dean  
Madurai Medical College  
Madurai 625 020.

+1cc to Mr.N.Somasundar, Advocate, S.R.No.11291  
+1cc to the Government Pleader, S.R.No.11399

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MG (CO)  
CS/18/03/2021



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