

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Ninth day of March Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE B.PUGALENDHI

WP No.7256 of 2021
AND WMP.NO.7757 OF 2021

DR.P.S.MARTIN [PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE DIRECTOR [RESPONDENTS IN BOTH THE PETITIONS]
DIRECTORATE OF MEDICAL EDUCATION, KILPAUK,
CHENNAI 600 010

2 THE DEAN
GOVERNMENT STANLEY MEDICAL COLLEGE,
CHENNAI 600 001

3 THE VICE- PRINCIPAL
ACADEMICS SECTION, GOVERNMENT STANLEY
MEDICAL COLLEGE, CHENNAI 600 001

Writ petitions under article 226 of the Constitutions of India praying that in these circumstances stated therein and in the affidavit filed their with the High Court will be pleased to

(I) Issue a writ of mandamus or any other order in the form of writ directing the Respondents to handover the Original Certificates of the petitioner which are in the custody of the 3rd respondent, by considering the representation of the petitioner dated 11.03.2021 so as to allow him to attend the certificate verification to be held for the Regularisation of post of Assistant Surgeon / Casualty Medical Officer to be held on 22.03.2021 or any other date and grant such other suitable reliefs IN WP No.7256 of 2021 AND;

(II) to direct the 3rd respondent to produce all the original certificates before this Honourable Court within a stipulated period so that this Honourable Court may impose any condition on me to return back the original certificates, till the (IN AND WMP.NO.7757 OF 2021) disposal of the above IN WP No.7256 of 2021 Respectively.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.C.UMASHANKAR, Advocate for the petitioner and of MR.E.MANOCHARAN, SPECIAL GOVERNMENT PLEADER on behalf of the Respondents the court made the following order:-

Today, the matter has come up under the caption "For Reporting Compliance".

2. Vide, order, dated 18/3/2021, this Court had passed the following order:-

6. This Court had paid its attention to the rival submissions made and is inclined to allow this writ petition with the following directions:-

a. The respondents shall return the original certificates to the petitioner, on 23/3/2021 enabling him to produce the same before the Kerala Public Service Commission.

b. The petitioner shall return the original certificates to the respondents on or before 26/3/2021 and also shall complete the P.G course, as per the conditions specifically mentioned.

c. If the petitioner fails to comply with the same, it is open to the respondents to initiate a contempt proceeding as against the petitioner.

7. Learned Special Government Pleader is directed to inform the respondents, to return the documents, without waiting for the orders of this Court.

8. The petitioner shall also file an undertaking affidavit before the respondents and on production of the undertaking, the respondents shall return the documents.

3. Today, when the matter is taken up for hearing, Mr.C.Uma Shankar, learned counsel for the petitioner submits that when the petitioner has appeared before Kerala Public Service Commission, on 23/3/2021, the third respondent has not insisted for the original certificates. Learned counsel appearing for the petitioner would submit that if and when Kerala Board insist for original certificates, it can be considered sympathetically.

4. Certificates of the petitioner have been handed over for pursuing the studies of Post Graduation before the third respondent. Now, the petitioner is working on temporary basis in Kerala Public Service Commission. If Kerala Public Service

Commission insist the petitioner to produce the original certificates, it is always open to the petitioner to furnish an undertaking affidavit before the respondents and on production of the undertaking, the respondents shall return the documents.

-sd/-
29/03/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DIRECTOR
DIRECTORATE OF MEDICAL EDUCATION,
KILPAUK, CHENNAI 600 010

2 THE DEAN
GOVERNMENT STANLEY MEDICAL COLLEGE,
CHENNAI 600 001

3 THE VICE- PRINCIPAL
ACADEMICS SECTION, GOVERNMENT STANLEY
MEDICAL COLLEGE, CHENNAI 600 001

4 THE SECTION OFFICER,
WRIT SECTION, HIGH COURT,
MADRAS 104

Order

in
WP No.7256 of 2021
AND WMP.NO.7757 OF 2021

Date :29/03/2021

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VC (27/04/2021)