



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22008 of 2021

Dr.Satish

... Petitioner

Vs.

1.State of Tamilnadu

Represented by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3.The Dean
Madras Medical College,
E.V.R.Periyar Salai,
Chennai - 600 003.

4.The Dean
Chengalpattu Medical College Hospital,
Chengalpattu - 603 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondent authorities to return all original certificates of the petitioner that were submitted by him at the time of his admission to Masters in Obstetrics and Gynecology (MS) course during May 2016 in the 3rd respondent college within a time period stipulated by this Hon'ble Court.

For Petitioner : Ms.S.Shanmitha

For Respondents : Mr.V.Baranidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent 2 and 3 to return all the original certificates of the petitioner that were submitted by him at the time of his admission to Masters in Obstetrics and Gynecology (MS) course during May, 2016 in the third respondent College within a time period stipulated by this Court.



2.The case of the petitioner is that the petitioner joined MBBS course in Bangalore Medical College under ST category through Karnataka Common Entrance KCET in the year 2008 and completed the same in the year 2013 and thereafter he got provisionally selected for MD in nuclear medicine in Jawaharlal Institute of Postgraduate Medical Education and Research and joined the same on 01.01.2016. Subsequently the petitioner got admission for Masters in Obstetrics and Gynecology (MS) in Madras Medical College in ST category through AIPGMEE, 2016 and joined the said course on 29.04.2016. At the time of joining, he was asked to execute bond for Rs.20 Lakhs with an undertaking that he will serve the Tamil Nadu Government for a period of two years.

3.The further case of the petitioner is that the petitioner completed the Post Graduation course during May, 2019. He is a non service candidate and he waited since May, 2019 till July, 2020, however, he did not receive any posting order. In the meanwhile, the petitioner was selected for Specialized Advance Training Course in Gynaecological Endoscopy in the Kiel School of Gynaecological Endoscopy, Germany and he approached the third respondent to collect his original certificates and documents, however, he was denied the same stating that vide G.O.Ms.No.185, Health and Family Welfare (MCA-I) Department, dated 13.04.2020 of the first respondent and consequential proceedings of the second respondent dated 18.05.2020 a direction has been given to all the Government Colleges to release the original certificates and permit the candidate to pursue higher speciality course only after obtaining Bank Guarantee equivalent to the bond amount.

4.The further case of the petitioner is that thereafter the petitioner filed W.P.No.9167 of 2020 before this Court challenging G.O.Ms.No.185, Health and Family Welfare (MCA-I) Department, dated 13.04.2020 of the first respondent and consequential proceedings of the second respondent dated 18.05.2020 and this Court vide order dated 16.07.2020 observed that 'the petitioner can join the services and if he has any request to be made to the respondents, the same will be considered by the respondents at the appropriate time.'

5.The further case of the petitioner is that thereafter the petitioner received the posting order dated 14.07.2020 issued by the second respondent on 22.07.2020 and he was appointed on temporary contractual basis for a period of three months. He joined the duty on 24.07.2020 and was posted on COVID duty and served regularly for a period of three months. Thereafter, the petitioner's services was extended from time to time and he was asked to relieve from his post by the fourth respondent on 31.08.2021 and as such the petitioner has served for a period of 13 months. According to the petitioner the bond period of two



years was completed during May, 2021 and hence he sent representation to the respondents 2 and 3 on 20.09.2021 requesting for return of the original certificate and since the same has not yet been considered, the petitioner has filed this writ petition.

6.The learned counsel appearing for the petitioner would submit that though the petitioner completed the Post Graduation course during May, 2019, he was given posting only during July, 2020 and he rendered service for 13 months and thereafter he was relieved from service. He would further submit that the bond period of two years was completed during May, 2021. Hence, the respondents rejecting to return his original certificates is not sustainable one.

7.The learned Additional Government Pleader would submit that during the pendency of the writ petition, the petitioner was given posting order on 19.11.2021 for rendering service for another 11 months in the Government Hospital and he has been posted in the Government Hospital, Madhuranthagam, Kancheepuram District and after completion of 11 months, Certificate will be issued to the petitioner and the petitioner would be entitled to carry on his profession and his original Certificates will be returned after completion of 11 months of service.

8.Heard the arguments advanced on either side and perused the materials available on record.

9.This Court finds some force in the arguments advanced by the learned Additional Government Pleader since huge amounts are spent by the Exchequer for medical studies. As per the bond, the petitioner is expected to serve for a period of 2 years in Government Hospital and the petitioner has completed 13 months of service. Hence, the petitioner is directed to join in the Government Hospital, Madhuranthagam, Kancheepuram District, as per the posting order dated 19.11.2021. After completion of 11 months service, the petitioner's original Certificates shall be returned to him.

10.The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

pri



To

1.The Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3.The Dean
Madras Medical College,
E.V.R.Periyar Salai,
Chennai - 600 003.

4.The Dean
Chengalpattu Medical College Hospital,
Chengalpattu - 603 001.

5.The Dean
Government Hospital
Madhuranthagam, Kancheepuram District.

+1cc to the Government Pleader, S.R.No.61474

W.P.No.22008 of 2021

NMI (CO)
SB(30/12/2021)