



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18014 of 2021

and

W.M.P. (MD) .Nos.14885 and 14887 of 2021

Dr.Hema Duraichamy

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings dated 14.09.2021 and quash the same as illegal in so far as the requirement of surrendering of Passport of the petitioner in Passport No.V0647291 dated 06.09.2021 alone.

For Petitioner : Mr.B.Saravanan

For Respondent : Mrs.L.Victorai Gowri

Assistant Solicitor General of India

ORDER

The petitioner challenges a show cause notice dated 14.09.2021 by which she was called upon to provide an explanation and also surrender her passport.

2. The petitioner states that she is a medical doctor. She was appointed as an Assistant Surgeon in the Tamil Nadu Government Medical Service on 05.07.2006 and posted at the Kombai Primary Health Centre, Theni District. She was selected for admission in the M.S.Ophthalmology degree course at the Madurai Medical College under service quota. She had executed a bond dated 25.11.2010 by which she had agreed to complete the bond period or, in the event of default, pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the State. The petitioner states that she was granted leave to undergo a two year "Vitreo Retina Fellowship Course" at the Aravind Eye Hospital, Madurai. After completing such course on 30.11.2016,



she did not rejoin Government Service. Meanwhile, she had applied for and was issued Passport Number V0647291. In view of a communication from the Dean, Government Theni Medical College Hospital, the impugned proceedings were issued on 14.09.2021 by the Regional Passport Officer, Madurai.

WEB COPY 3. The petitioner states that she submitted an explanation upon receipt of the communication dated 14.09.2021. However, it appears that the main concern is that the petitioner was called upon to surrender the passport.

4. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, accepts notice on behalf of the sole respondent. She submits that the petitioner's explanation would be considered and a reasoned order issued within a reasonable time frame.

5. The petitioner has provided evidence that the bond amount of Rs.10,00,000/- (Rupees Ten Lakhs only) was tendered. The communication issued in March 2021 by the Dean of the Government Theni Medical College called upon the petitioner to remit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) along with interest thereon. However, in this proceeding, it is not necessary to record findings as to whether such requirement has been fulfilled by the petitioner or not. Nonetheless, the petitioner has provided an explanation to the respondent upon receipt of the communication dated 14.09.2021. Therefore, it is incumbent on the respondent to consider such explanation and issue a reasoned order in accordance with the Passports Act, 1967 and the Rules framed thereunder.

6. Accordingly, without entering any findings on the merits of the matter, the respondent is directed to consider the petitioner's explanation and issue a reasoned order after taking into account all material facts and the provisions of the Passports Act, 1967 and the Rules framed thereunder. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order.

7. W.P.(MD).No.18014 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).Nos.14885 and 14887 of 2021 are closed.

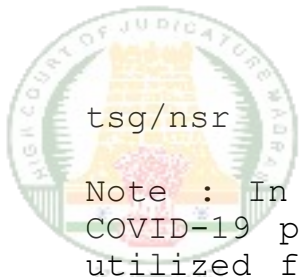
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-31482[F] dated 07/10/2021)

W.P (MD) No.18014 of 2021
06.10.2021

SS (CO)

KB(20.10.2021) 3P 3C