



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.390 of 2022

and C.M.P.No.3005 of 2022

Dr.Satish

.. Appellant

vs

1. State of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Dept.,
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: Appeal filed under Clause 15 of the Letters Patent against the order dated 25.11.2021 passed in W.P.No.22008 of 2021 on the file of this Court.

Prayer in W.P.No.22008 of 2021: 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.

For the Appellant : Mr.Shanmitha.S.

For the Respondents : Mrs.R.Anitha
Spl.G.P. for RR 1 and 2



JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

WEB COPY

By this writ appeal, a challenge is made to the order dated 25.11.2021 whereby the writ petition preferred by the petitioner writ appellant to seek return of all the original certificates of the petitioner writ appellant furnished at the time of admission to Masters in Obstetrics and Gynecology (MS) Course during May 2016 was dismissed.

2. The admission in the aforesaid Masters course was given on condition that after its completion, the petitioner would serve the respondents for a period of two years and accordingly, a bond was also furnished. The petitioner writ appellant completed the course in the month of May 2019 and accordingly, was under obligation to serve the respondents for a period of two years. However, when the service of the required period was not undertaken by the petitioner writ appellant, the respondents refused to release the original certificates furnished by the petitioner writ appellant .

3. Challenge to the action of the respondents was made mainly on the ground that despite completion of the course in the month of May 2019, the order of appointment to serve the respondents for a period of two years was not issued immediately thereupon or within a reasonable time, thus the petitioner writ appellant could not have been made victim due to inaction of the respondents in issuing the order of appointment. It is more so when the required proforma was furnished even before the completion of the course, though seriously disputed by the learned Special Government Pleader said to be incomplete. In any case, the petitioner has already completed 17 months of service by now out of 24 months and the temporary appointment to him was given on 24.07.2020. The delay in issuance of the appointment order is of more than a year, thus, taking the aforesaid into consideration in the light of the judgment in the case of The State of Tamil Nadu vs. P.S.Sairam (MANU/TN/5492/2020:: (2020)MLJ513), we find a case in favour of the writ appellant and here we would record the fair submission of the learned Special Government Pleader who has stated that the petitioner writ appellant may be given a choice either to continue the service till completion of 24 months or in the alternative, if he intends to serve elsewhere, the certificates would be returned, but this judgment may not be taken as a precedent but an arrangement on the facts of this case.

4. We, accordingly, dispose of this writ appeal without going deep into the issue, but taking into consideration the



judgment of the Division Bench on the issue referred to above and finding that there was a delay in issuance of the order of appointment and otherwise, the petitioner has completed 17 months of service by now out of 24 months.

WEB COPY

5. Thus, the present writ appeal is disposed of with the following observations:

- 1) The petitioner writ appellant would be at liberty to continue and complete the service for the remaining part of 24 months; or
- 2) The petitioner writ appellant can seek return of the documents without further going into service to complete the remaining period. In case, the petitioner does not intend to continue and prays for return of the documents, the respondents are directed to return the same immediately.

No costs. Consequently, C.M.P.No.3005 of 2022 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

- 1.The Secretary to State of Tamil Nadu,
Health and Family Welfare Dept.,
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.

+1cc to Government Pleader SR. No. 29148

W.A.No.390 of 2022

RSV (CO)
PR (06/05/2022)