



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

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CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.462, 464 and 471 of 2022

W.A.No.462 of 2022:

Dr.Ahamed Muneef

... Appellant

Vs.

1. Dr.Rajeswari

2. Dr.G.Arun Kumar

3. Dr.Durga R

4. Dr.M.Kokilavani

5. Dr.A.T.Indumathi

6. Dr.N.Poornima

7. Dr.S.Lakshmanan

8. The Dean

Employees State Insurance Corporation Medical College &
Post Graduate Institution of Medical Science & Research
Ashok Pillar Road, K.K.Nagar
Chennai - 078.

9. The Tamil Nadu Dr.MGR Medical University

Rep. by the Registrar
Guindy, Chennai.

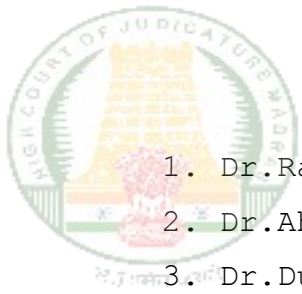
... Respondents

W.A.No.464 of 2022:

Dr.G.Arun Kumar

... Appellant

Vs.



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1. Dr.Rajeswari
2. Dr.Ahmed Mubeef
3. Dr.Durga R
4. Dr.M.Kokilavani
5. Dr.A.T.Indumathi
6. Dr.N.Poornima
7. Dr.S.Lakshmanan
8. The Dean
Employees State Insurance Corporation Medical College &
Post Graduate Institution of Medical Science & Research
Ashok Pillar Road, K.K.Nagar
Chennai - 078.
9. The Tamil Nadu Dr.MGR Medical University
Rep. by the Registrar
Guindy, Chennai. ... Respondents

W.A.No.471 of 2022:

- Dr.Durga R ... Appellant
- Vs.
1. Dr.Rajeswari
 2. Dr.Ahmed Mubeef
 3. Dr.G.Arun Kumar
 4. Dr.M.Kokilavani
 5. Dr.A.T.Indumathi
 6. Dr.N.Poornima
 7. Dr.S.Lakshmanan
 8. The Dean
Employees State Insurance Corporation Medical College &
Post Graduate Institution of Medical Science & Research
Ashok Pillar Road, K.K.Nagar
Chennai - 078.
 9. The Tamil Nadu Dr.MGR Medical University
Rep. by the Registrar
Guindy, Chennai. ... Respondents

Prayer: Appeals filed under Clause 15 of the Letters Patent against the order dated 07.01.2022 in W.P.No.20784 of 2015.



Prayer in WP.20784 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to return the following original certificates of petitioners viz, Higher Secondary / SSLC Certificate MBBS Degree Certificate, Mark Sheets, Medical Registration Certificate, CRRI Completion Certificate, MCI Recognition Certificate, Community Certificate and the following Post Graduate Degree Certificates viz Post Graduate Course Completion Certificate, Attempt Certificate, Conduct Certificate, Transfer Certificate, Provisional Degree Certificate, Mark Statements and any other certificates forthwith.

For Appellants : Mr.A.Mohamed Ismail in all WA's

COMMON JUDGMENT

(Delivered by the Hon'ble Chief Justice)

By these writ appeals, a challenge is made to the order dated 7.1.2022, by which the writ petition preferred by the appellants was dismissed, however, with certain directions.

2. The writ petition was preferred by eight petitioners seeking a direction on the respondents to return the following original certificates: Higher Secondary/SSLC Certificate, MBBS Degree Certificate, Mark Sheets, Medical Registration Certificate, CRRI Completion Certificate, MCI Recognition Certificate, Community certificate, Post Graduate Degree Certificate, etc.

3. It is submitted that prior to the writ petition aforesaid, another batch of writ petitions followed by writ appeals were disposed by a Division Bench of this court by judgment dated 11.08.2017, where, on noticing that the medical institution has not rectified certain deficiencies pointed out by the Medical Council of India, the Division Bench deemed it appropriate to levy compensatory cost of Rs.1,00,000/- from the medical institution for every Under Graduate student and Rs.2,00,000/- for every Post Graduate student who pursued their courses.

4. After the judgment aforesaid, the writ appellants completed the Post Graduate course. They were required to serve the ESI Corporation for five years, pursuant to the bond executed by them at the time of admission to the Post Graduate Medical Course in ESI Corporation Medical College. However, the



appellants did not join the service of the Corporation, despite issuance of appointment orders. Therefore, the respondent medical college invoked the condition of the bond and, thereby, required the appellants to pay a sum of Rs.7,50,000/- each.

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5. It was the submission of the appellants before the learned Single Judge that inasmuch as the Post Graduate Medical course was not recognised at the time of completion of the course by the appellants, the bond condition directing payment of Rs.7,50,000/- ought to have been relaxed.

6. The learned Single Judge noticed that though there was some delay in getting recognition of the Post Graduate course, the fact remains that all the writ appellants were working as doctors during the relevant period after completion of Post Graduate course from the respondent medical college. The degrees given to the appellants were also recognised followed by issuance of appointment orders. In view of the above, there was no reason for the appellants to deny service in the institution for a period of five years despite furnishing of the bond.

7. The learned Single Judge found that non-recognition of the course for a small period has not affected the practice of the appellants or joining as specialist doctor in the ESI Corporation Hospital. Therefore, there was no justification in the appellants not adhering to the bond condition contemplating serving the medical college for five years. It is more so when ESI Corporation is functioning from and out of the contributions from the labourers/ employees, who are low paid, though with contribution of the employer also. The services are meant for the benefit of the poor labourers, free of cost. Therefore, when the Post Graduate courses are offered on condition that after Post Graduation, the appellants should serve for five years with the ESI Corporation, such condition should be strictly adhered to.

7. The learned Single Judge further observed that the ESI Corporation has developed the research institution with the hope that services of the qualified doctors would be available for the betterment of the institution and for the human life, more specifically, lives of the poor labourers/employees. It is also a fact that the ESI Corporation was paying a stipend of Rs.60,000/- per month to the appellants during the entire course period, which was received by the appellants without any protest or for want of recognition of the course for some time. Rather, it was due to delay in completion of certain formalities that the course was recognised after some time. In any event, the



appellants were conferred with the Post Graduate Degree recognised by the Medical Council of India.

8. Accordingly, it has been found that the appellants did not serve the ESI Corporation for a period of five years. The learned Single Judge has directed the payment of Rs.7,50,000/- in six equal monthly installments starting from 1.2.2022 and in default of payment, the ESI Corporation was given liberty to take action against the appellants to cancel their medical registration certificates.

9. On an overall conspectus of the facts, it is evident that the appellants were admitted to Post Graduate course on executing bonds to serve the respondent medical college for five years on completion of the course. There was a delay in getting recognition of the course, but the fact remains that the course was recognised, though with some delay, and the appellants were given appointment orders. During the entire course period, the appellants accepted the stipend. The appellants, on successfully completing their courses, cannot now claim that as there was delay in recognition of the course, the conditions of bond should be relaxed and they should be exempted from serving the respondent college for five years. As noticed by the learned Single Judge, ESI Corporation serves the labourers/employees, who are low paid. The ESI Corporation has also developed a research institution keeping in mind the fact that the services of qualified doctors would be a boon to the institution. Merely because there was some delay in granting recognition, the bond conditions cannot be relaxed. The appellants with eyes wide open accepted the terms and conditions of the bond and, therefore, they have to strictly adhere to the default clause too.

10. In view of the above, we do not find any error in the order of the learned Single Judge warranting interference. Accordingly, the writ appeals are dismissed. There will be no order as to costs. Consequently, CMP.Nos.3393, 3339 and 3328 of 2022 are also closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

sasi/drm



To

1. The Dean

Employees State Insurance Corporation Medical College &
Post Graduate Institution of Medical Science & Research
Ashok Pillar Road, K.K.Nagar
Chennai - 078.

2. The Registrar,

The Tamil Nadu Dr.MGR Medical University
Guindy, Chennai.

W.A.Nos.462, 464 and 471 of 2022

SPD(CO)
GN(15/03/2022)