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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.8324 of 2022

&

WMP.No.8302 of 2022

Dr.S.Shilpa Jain

... Petitioner

Vs

1. The State of Tamil Nadu
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai -0 600 009.
2. Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. Madras Medical College,
Represented by its Dean,
E.V.R.Salai, Chennai - 600 003.
4. University Grants Commission,
Represented by its Secretary,
Bahadur Shah Safar Marg,
New Delhi - 110 002.
5. National Medical Council,
Represented by its Secretary,
Pocket 14, Sector - 8, Dwarka Phase I,
New Delhi - 110 077.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent No.3 to return the original certificates/documents collected by the respondent No.3 while admitting the petitioner to the Postgraduate (PG) degree course in the respondent No.3 college.



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For Petitioner : Mr.Suhrith Parthasarathy
For Respondents : Mr.D.Ravichander,
Special Government Pleader - R1 to R3
Ms.Sudha - R4

O R D E R

Mandamus as sought for is issued in light of letter dated 10.02.2022 issued by the Principal Secretary to Government to the Director of Medical Education, reading as follows:

“

HEALTH AND FAMILY WELFARE DEPARTMENT
Letter No.4713/MCA-1/2022-1, dated 10.02.2022
Pilava, Thai - 28, Thiruvalluvar Aandu 2053

From

Dr.J.Radhakrishnan, I.A.S.,
Principal Secretary to Government.

To

The Director of Medical Education,
Chennai - 600 010.

Sir,

Sub: Grievances - certain Non Service Post
Graduates who join higher studies
within State Government Institutions -
bank guarantee - certain instructions
issued - Reg.

Ref: From certain Non Service Post
Graduates,
representation dated 09.02.2022.

I am directed to enclose copies of the reference cited wherein it is seen that in 2020, a Government order was issued with respect to Non Service Post Graduates in which a bank Guarantee has been specified.

2. A number of Post Graduate students represented that when they have to join Super Specialty or from Diploma to Post Graduate Seats in Government medical institutions within the



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State, citing G.O.Ms.No.185, Health and Family Welfare Department, dated 13.04.2020, bank guarantee is being insisted upon.

3.The G.O.Ms.No.185, Health and Family Welfare Department, dated 13.04.2020 referred to students joining other State/Private Self financing and Deemed University without completing bond criteria whereas these students are joining Government Colleges within the State and not other State/Private Self-financing/Deemed University. Thus the bond criteria and the bank guarantee is not applicable to them.

4.I am to state that the Director of Medical Education need not insist upon bank guarantee and sent the certificate of such candidates (who are going to join in Government Medical Institutions within the State) to the institution to which the candidates are going to join and to ensure that the students pursuing Post Graduate and Super Specialty are not forced to obtain a bank guarantee. Instead, a simple undertaking may be obtained that on completion of the Super Specialty course/Post Graduate course, the respective conditions of agreeing to serve in the State, as the case may be, depending on the availability of the vacancies within the time frame may be obtained.

5.I am also to state that students whose bond period is over but not being given any appointment order within that bond period, certificates of the individuals may be returned with immediate effect.

Yours faithfully,

for Principal Secretary to
Government"

(emphasis as above supplied)

2. The period of bond qua the petitioner stretches from 13.05.2020 to 31.05.2022 and hence what remains thereof is a period of one month. Seeing as the petitioner has obtained admission in Madras Medical College for a Super Speciality Course, the balance period of bond shall stand deferred to, post completion of super specialty.



3. This Writ Petition stands allowed as above and the certificates will be returned forthwith. No costs. Connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

s1

To

1. The Principal Secretary,
The State of Tamil Nadu
Health and Family Department,
Secretariat, Chennai -600 009.
2. The Deputy Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Dean,
Madras Medical College,
E.V.R.Salai, Chennai - 600 003.
4. The Secretary,
University Grants Commission,
Bahadur Shah Safar Marg,
New Delhi - 110 002.
5. The Secretary,
National Medical Council,
Pocket 14, Sector - 8, Dwarka Phase I,
New Delhi - 110 077.

+1cc to Mr.Suhrith Parthasarathy, Advocate, S.R.No.24830

+1cc to the Government Pleader, S.R.No.25787

[09/06/2022]

W.P.No.8324 of 2022
&
WMP.No.8302 of 2022

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NSK 12/04/2022