

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.13562 OF 2022

&

W.M.P.NOS.12764 & 12766 OF 2022

1. Dr.G.Subash
 2. Dr.B.Bhuvanesh Kumar
 3. Dr.N.Manikandan
 4. Dr.S.Divyadurga
 5. Dr.Bhukya Jyothiswaroop Naik
 6. Dr.Valarmathi
 7. Dr.B.Akila
 8. Dr.Arun Prakash E.M.
 9. Dr.R.Karthikeyan
 10. Dr.M.Madhachand
 11. Dr.A.Nabeel Thahseen
 12. Dr.Suresh Paul Raj M
 13. Dr.Aveni Koza
- ... Petitioners

.Vs.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary,
Health and Family Department,
Secretariat,
Chennai - 600 009.
2. The Director of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Government Kilpauk Medical College,
Represented by its Dean,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.
4. Madurai Medical College,
Represented by its Dean,
Panagal Road, Alwarpuram,
Madurai - 625 050.

5. Stanley Medical College,
Represented by its Dean,
No.1, Old Jail Road,
Chennai - 600 001.
6. Government Vellore Medical College,
Represented by its Dean,
Sapthalipuram, Pennathur,
Madurai - 625 050.
7. Thirunelveli Government Medical College,
Represented by its Dean,
3, High Ground Road,
Palayamkottai, Tirunelveli,
Tamil Nadu - 627 011. ... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to return the original certificates of the petitioners collected by the 3rd to 7th respondents at the time of their admission.

For Petitioners : Mr.E.Manoharan

For Respondents : Mr.K.H.Ravi Kumar
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to return the original certificates back to the respective petitioners.

2. Heard Mr.R.Singaravelan, learned Senior Counsel representing Mr.E.Manoharan, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate appearing for the respondents.

3. Learned Government Advocate appearing for the respondents on instructions would submit that the respondents are willing to return back the original certificate to the petitioners who have not been given posting in the Government Departments provided they give a letter of undertaking as per the format prescribed by the respondents.

4. Learned Government Advocate appearing for the respondents has placed reliance of the Division Bench Order dated 29.06.2022

passed in W.A.Nos.1472 & 1422 of 2022 and the relevant portion of the said judgment is extracted hereunder:

"3. Learned State Government Pleader has placed on record a copy of the instructions dated 29.06.2022 issued by the Director of Medical Education, the last para of which is quoted under:

"As per the instructions of Hon-ble High Court the certificates of Doctor for whom posting could not be given due to vacancy position will be returned with an undertaking to offer their services, if they are called during their bond period (2 years) in Emergency Situation in Health Department."

A decision has been taken to return the documents/papers to the candidates to whom the posting could not be given due to the vacancy position with undertaking to offer service if they were called during the bond period of two years in emergency situation in the Health Department.

4. Learned counsel appearing for the candidates have no objection in accepting the aforesaid and accordingly, the writ appeals are disposed of with a direction to the official respondents to return the documents to the candidates on a condition that has been quoted above. The undertaking to offer their service by the candidates would be furnished within a week and thereupon, the documents/papers pertaining to their qualification would be released. With the aforesaid, the judgment of the learned Single Judge is modified. No costs. Consequently, connected miscellaneous petitions are closed."

5. However, learned counsel for the petitioners would submit that the Division Bench Judgment referred to supra is a consent order whereas in the instant case, the petitioners seek for return of original certificates unconditionally and they are not agreeable for any conditions to be imposed upon them. He would further submit that in the case of the petitioners who are in Government Service also, the original certificates must be returned by the respondents and it can be substituted by way of photocopy or notarized copy of the certificates.

6. The submissions made by the respective counsels are recorded. No prejudice would be caused to the respective petitioners who have not been given posting in the Government

Department, if the undertaking/declaration as recorded by the Division Bench of this Court in paragraph 3 of the Judgment dated 29.06.2022 passed in W.A.Nos.1472 & 1422 of 2022 referred to supra is given by the respective petitioners.

7. Accordingly, the respondents are directed to return the original certificates back to the respective petitioners who have not been granted posting in the Government Departments by the respondents after receiving an undertaking from them as stated supra within a period of one week from the date of receipt of copy of this Order. Insofar as the Doctors who have been given placement by the respondents in various departments are concerned, the question of return of the original certificates will not arise as they are still in service and once their bond period is over, the respondents will have to return the original certificates back to them automatically.

8. With the aforesaid direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Health and Family Department,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Dean,
The Government Kilpauk Medical College,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.
4. The Dean,
Madurai Medical College,
Panagal Road, Alwarpuram,
Madurai - 625 050.

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7. The Dean,
Thirunelveli Government Medical College,
3, High Ground Road,
Palayamkottai, Tirunelveli,
Tamil Nadu - 627 011.

+1cc to the Government Pleader, S.R.No.44590

W.P.NO.13562 OF 2022

MG(CO)
PBS/22/07/2022