



W.A.No.1437 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

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1. Dr.S.Vishnupriya
2. Dr.P.Holini Sushma
3. Dr.Akashkumar B.Y.
4. Dr.R.Vaishnavi
5. Dr.J.Prasanth Narayanan
6. Dr.J.Jega Priya

.. Appellants

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary
Health and Family Department
Secretariat
Chennai 600 009.
2. Directorate of Medical Education
Rep. by the Director of Medical Education
Kilpauk
Chennai 600 010.
3. Madras Medical College
Rep. by its Dean
EVR Salai
Chennai 600 003.



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4. Government Kilpauk Medical College

Rep. by its Dean

Poonamallee High Road

Kilpauk, Chennai 600 010.

5. Government Stanley Medical College

Rep. by its Dean

No.1, Old Jail Road

Chennai 600 001.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 25.05.2022 made in W.P.No.13315 of 2022.

For the Appellants : Mr.Suhrith Parthasarathy

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mr.K.M.D.Muhilan
Government Advocate
for Respondent-1

JUDGMENT

(Delivered by *the Hon'ble Chief Justice*)

The writ petition was filed by the candidates when they were not returned the certificates and other documents of educational qualification on the ground that they had not undertaken the two years service after the completion of the PG medical course despite



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the bond produced by them.

2. It is submitted that in the absence of counselling to call the candidates for appointment, which may be due to want of vacancy, the appointments were not given, thus the candidates could not be held responsible for non-compliance of the bond rather the official respondents themselves failed to offer posting to the candidates to serve for a period of two years immediately after completion of the PG course.

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."

4. A decision has been taken to return the documents/papers



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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.

5. Learned counsel appearing for the candidates have no objection in accepting the aforesaid and accordingly, the writ appeal is 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, CMP No.9300 of 2022 is closed.

(M.N.B., C.J.) (N.M., J.)
08.07.2022

Index : Yes/No

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To

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