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W.P.No.15027 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.15027 of 2022
and W.M.P.No. 14249 of 2022

1. Aarthi
2. Anukarthiga.M
3. Aphreno Sothu
4. Arun Prakaash
5. Beto Y Yeptho
6. Bharathi Priya
7. Bhukya Vijaykumar
8. Deepthi
9. Dhamodhara Pandian
- 10.Geetha.R.
- 11.Gokul.T.
- 12.Ialambeitland R.Kharpran
- 13.Jennifer Deborah
- 14.Kalaivani.S.
- 15.Karthika Preethi
- 16.Kowsalya.A.
- 17.Madhava Manoj
- 18.Maheshwari.M
- 19.Mirunalini D.
- 20.Murali Krishna.M.
- 21.Muthamil Selvi.A.
- 22.Nivedha.M.
- 23.Prathap.P.
- 24.Prathibha K.
- 25.Preethigha R.
- 26.Priyadharsini
- 27.Pryinga.S.
- 28.Priyanka.K.
- 29.Rahul.K.
- 30.Rajashree.K.



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31.Rhoshini.P.
32.Shanthini.S.
33.Shashi Kumar.A.
34.Sivagami.K.
35.Subbulakshmi.B.
36.Suganya.C.
37.Sushmitha.K.
38.Thamilkkovan.A.
39.Thejaswi.E.
40.J.Sanjana
41.N.Nivedhitha
42.Pranav Toppo
43.S.Archana
44.Rishika.S.
45.Vishali.K.
46.Sundeeep
47.Josheni.G.

.... Petitioners

-Vs-

- 1.The State of Tamil Nadu
represented by its Principal Secretary
Health and Family Welfare Department
Secretariat, Chennai 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, EVR Salai
Chennai 600 003.
- 4.Government Kilpauk Medical College
Represented by its Dean, Poonamallee High road
Kilpauk, Chennai 600 010.
- 5.Government Chengalpattu Medical College
represented by its Dean,GST Road
Chengalpattu District, Kancheepuram-603 001.
- 6.Thanjavur Medical College



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represented by its Dean
Thanjavur-613 004.

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7.Madurai Medical College
represented by its Dean
Panagal Road, Alwarpuram
Madurai 625 050.

8.Coimbatore Government Medical College
represented by its Dean
Coimbatore-641 018.

9.Government Mohan Kumaramangalam
Medical College Hospital, represented by
its Dean, Fort Main Road, Salem-636 002.

10.KAP Viswanathan Government Medical College
represented by its Dean, Periyamilaguparai
Collectors Office Road, Trichy 620 001.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to forthwith return all the the original certificates of the petitioner that were submitted by them at the time of their admission to Post Graduate Degree Courses in the respondents 3 to 10 colleges within a time period stipulated by this Hon'ble Court.

For Petitioners : Mr.S.R.Rajagopal, Senior Counsel
Ms.S.Shanmitha

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader



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ORDER

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The petitioners in this writ petition completed the PG Course in Medicine in April 2021 at the respondent institutions. At the time of joining the course, along with the original certificates, they also executed a bond to the respondent colleges that, after completing the PG course they will work in the Government institution / hospitals for a period of two years, which is otherwise called as bond period.

2. After completing the course in April 2021, these petitioners have waited for getting an offer from the respondents to make an appointment or engage them in Government hospitals / institutions. However, the respondents have offered such engagements / jobs to only few petitioners viz., petitioners 2,4,7,14, 15,18,31 and 33 alone.

3. Insofar as these eight petitioners are concerned, their stand is that after they complete their service viz., bond period in the Government hospitals / institutions, they would be free to get back their certificates and in this regard the respondents may not have any objection to release / return their certificates since they would complete the bond period.

4. Insofar as the other petitioners are concerned, except petitioner No.21



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viz., A.Muthamil Selvi, the certificates of all of them have already been returned.

Therefore, in respect of those petitioners, absolutely there is no grievance.

5. Insofar as the 21st petitioner viz., A.Muthamil Selvi is concerned, the said petitioner, even though completed her PG Course in April 2021 and waited for the offer to come from the respondents, only after 14 months ie., in June 2022 alone the offer has come and even the same could not be accepted by the said petitioner because already the petitioner had been selected for pursuing super speciality course, wherein the 21st petitioner has to join in the course and the certificates are required immediately.

5. In this context, Mr.S.R.Rajagopal, learned Senior Counsel would contend that, insofar as the 21st petitioner is concerned, she is ready and willing to file an undertaking affidavit before the respondents that she would serve in the Government hospital / institution for the remaining bond period ie., 10 months after she completes the present course, which she is going to join now.

6. Therefore, learned Senior Counsel submits that accepting the said affidavit, only in respect of the 21st petitioner viz., A.Muthamil Selvi the certificates can be directed to be released and insofar as the other eight petitioners mentioned hereinabove, who are now engaged by the respondents,



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they would serve for the remaining bond period and thereafter they would be free to get back their certificates. Insofar as the remaining petitioners are concerned, they have already obtained their certificates and no further orders are required.

7. Heard Mr.Stalin Abhimanyu, learned Additional Government Pleader appearing for the respondents, who would submit that, since the certificates of majority of the petitioners have already been released / returned, there will be no grievance for them. Insofar as the eight petitioners mentioned herein above viz., 2,4,7,14, 15,18,31 and 33 are concerned, they are at present working by accepting the offer / engagement from the Government and once they complete their bond period, their certificates would be released. Insofar as the 21st petitioner is concerned, if she comes forward to give an undertaking to the effect that she will work in the government hospital / institution after completing the course she is going to join now and against such undertaking to be given by her, her certificates would be released.

8. I have heard the submissions made by the learned counsel for both sides and have perused the materials available on record.



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9. The issue raised in this writ petition is no more *res integra* as number of cases have already been heard and decided by this Court, where a set of directions have been given to release the certificates for those who have completed the bond period and even in respect of those whose bond period has not been completed, if any offer comes from the respondents that has to be accepted by them and if they are not willing to accept and they want to join in any super speciality course immediately, they can provide an undertaking to that effect to the respondents that after completing the course they would serve for the Government for the remaining bond period.

10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders.

- Insofar as the petitioners 2, 4, 7, 14, 15, 18, 31 and 33 are concerned, a direction is hereby given to the respondents to verify whether these petitioners have accepted the offer given by the Government and have served in any government hospital / institution and if it is so, they would be entitled to get back their certificates once their bond period is completed. If any of these petitioners did not accept the offer or not joined the government hospital / institution pursuant to the counselling or offer given by



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the respondents, those petitioners shall give an undertaking affidavit to the respondents to serve for the remaining bond period and against such undertaking affidavit only, their certificates shall be released.

- Insofar as the 21st petitioner viz., A.Muthamil Selvi is concerned, since even though she is ready and willing to work for government hospital / institution in the offer which has come now, for the remaining 10 months of her bond period, because of her commitment to join on the super speciality course, for which she has to report immediately, she would also give an undertaking that she would serve the government hospital / institution for the remaining 10 months bond period, after completing her super speciality course. Therefore, after getting such an undertaking affidavit from the 21st petitioner, her certificates also shall be released by the respondents.
- Except these petitioners viz., 2, 4, 7, 14, 15, 18, 31 and 33 and the 21st petitioner, in respect of all other petitioners since it is an admitted case that their certificates have already been released, recording such submission, in respect of those petitioners no



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further orders are necessary.

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- The needful as indicated above shall be undertaken by the respondents after getting necessary undertaking affidavit to be filed in this regard by the respective petitioners within a period of two weeks from the date of receipt of a copy of this order. In respect of the 21st petitioner is concerned, if she executes the undertaking, on receipt of the same the certificates shall be released forthwith.

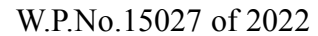
11. With the above directions, the writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
KST

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Note : Issue order copy on 01.12.2022



1. The Principal Secretary to Government Health and Family Welfare Department Secretariat, Chennai 600 009.
2. The Deputy Director, Directorate of Medical Education Kilpauk, Chennai 600 010.
3. The Dean Madras Medical College EVR Salai, Chennai 600 003.
4. The Dean, Government Kilpauk Medical College Poonamallee High road, Kilpauk, Chennai 600 010.
5. The Dean, Government Chengalpattu Medical College GST Road, Chengalpattu District, Kancheepuram-603 001.
6. The Dean, Thanjavur Medical College Thanjavur-613 004.
7. The Dean, Madurai Medical College Panagal Road, Alwarpuram Madurai 625 050.
8. The Dean, Coimbatore Government Medical College Coimbatore-641 018.
9. The Dean, Government Mohan Kumaramangalam Medical College Hospital, Fort Main Road, Salem-636 002.
10. The Dean, KAP Viswanathan Government Medical College Periyamilaguparai Collectors Office Road, Trichy 620 001.



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