

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.A.NOS.1472 AND 1422 OF 2022
AND
C.M.P.NOS.9651, 9652, 9140 AND 9141 OF 2022

W.A.NO.1472 OF 2022

1. Dr.Divya Raviprakash
2. Dr.MD Nizamuddin Khan
3. Dr.Udaya Kumar D
4. Dr.Gunasekar C
5. Dr.Nithya Bharathi. P.M
6. Dr.Mohamed Irshad M.R
7. Dr.Madhumitha S
8. Dr.Surendran.P
9. Dr.Vaishnavi R
10. Dr.Gokila.N
11. Dr.Benedict Vinothini. A
12. Dr.Saranya T
13. Dr.Aparna.J
14. Dr.Logashree P
15. Dr.Preethi M
16. Dr.Eswari Kamatchi.U
17. Dr.Marc Raina P
18. Dr.Sathish Srinivasan M
19. Dr.Lakshmikanth V
20. Dr.Salmonkhan H
21. Dr.Mahitha A
22. Dr.Arun S
23. Dr.Ganesh Kumar S
24. Dr.Nazeera Banu C
25. Dr.Gowsika A
26. Dr.Pari P
27. Dr.Harish S
28. Dr.Abinaya A
29. Dr.Dhinesh N. L.
30. Dr.Jai Praveen.N
31. Dr.Noor Sulthana Z
32. Dr.Anusha
33. Dr.Priyanka E

34. Dr.Manigandan R
35. Dr.Cyndia M
36. Dr.Priyadharshini S
37. Dr.Rajesh Ajmeera
38. Dr.Balaji I
39. Dr.Hisham Abubeker
40. Dr.Susan Rajkumari. D
41. Dr.Dharani E
42. Dr.Arya Gireesh
43. Dr.Thenmozhi A
44. Dr.Dhanya Poduval
45. Dr.Abitha Reshasrini J
46. Dr.Madhumidha N
47. Dr.Karpagam G
48. Dr.Rajkamal M
49. Dr.Nivetha.S
50. Dr.Akshaya D
51. Dr.Ashwini K
52. Dr.Iswarya D
53. Dr.Prabhavadivarasi A
54. Dr.Pradeepa . N
55. Dr.Ramya O M
56. Dr.Syed Mohammed Jazeel S
57. Dr.Niveditha G R
58. Dr.Vigneshwaran A
59. Dr.Deeksha R
60. Dr.Karthika Priya S
61. Dr.Rohini R
62. Dr.Sankavi D
63. Dr.Keerthana N
64. Dr.Bavish M
65. Dr.Pavithra M
66. Dr.Akshaya S
67. Dr.Arun Prasad M
68. Dr.Selva Priya S
69. Dr.Keerthana S
70. Dr.Arun Kumar Jacob R
71. Dr.Bhuvanapriya I
72. Dr.Narmadha.S.V
73. Dr.Sathya Suganya S
74. Dr.Dhivya S
75. Dr.Selvapriya S
76. Dr.Tamilazhagan L
77. Dr.Divya. S
78. Dr.Soorya N
79. Dr.Mary Priyadharshini S
80. Dr.Jayamaliga V
81. Dr.Ramkumar R
82. Dr.Girija C
83. Dr.Harishkumar S

84. Dr.Gurumoorthy P
85. Dr.Dhivya. P
86. Dr.Snega B
87. Dr.Priyanka P
88. Dr.Shruthi Pavana Janardhan
89. Dr.Anis Stephy A
90. Dr.Nunavath Santosh
91. Dr.Vasantha Bharathy C
92. Dr.Vishnupriya R T
93. Dr.Buvanesh J
94. Dr.Sukanya M
95. Dr.Monisha Maria P
96. Dr.Annapoorneswary.R

... Appellants

.Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai - 600 009.
2. The Directorate of Medical Education,
Rep. 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. Government Kilpauk Medical College,
Represented by its Dean,
Poonamalee High Road,
Kilpauk, Chennai - 600 010.
5. Government Chengalpattu Medical College,
Represented by its Dean,
G.S.T. Road, Chengalpattu District,
Kancheepuram - 603 001.
6. Kanyakumari Government Medical College,
Represented by its Dean,
Asaripallam, Nagercoil,
Kanyakumari District
Tamil Nadu - 629 201.
7. Thanjavur Medical College,
Represented by its Dean,
Thanjavur - 613 004.

8. Stanley Medical College,
Represented by its Dean,
No.1, Old Jail Road,
Chennai - 600 001.
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,
Collector's Office Road,
Trichy - 620 001.
11. Coimbatore Government Medical College,
Represented by its Dean,
Coimbatore - 641 018.
12. Tirunelveli Medical College,
Represented by its Dean,
High Ground Road,
Palayamkottai,
Tirunelveli - 627 011.
13. Madurai Medical College,
Represented by its Dean,
Panagal Road, Alwarpuram,
Madurai - 625 050.
14. Thoothukudi Government Medical
College and Hospital,
Represented by its Dean,
Kamaraj Nagar, Thoothukudi,
Tamil Nadu - 628 008.
15. Government Vellore Medical
College and Hospital,
Represented by its Dean,
Pennathur Post, Adukkamparai,
Vellore, Tamil Nadu - 632 011.
16. Dr.Indrajit.A
17. Dr.Niveditha P
18. Dr.Sajna S
19. Dr.Saravanan R
20. Dr.Abinhaya.G
21. Dr.Gayathri.B.S

22. Dr.Varun Maurya R
23. Dr.Jeiganesh M
24. Dr.Lekshmi Prasad
25. Dr.Devika Venu
26. Dr.Sai Hari Vignesh R
27. Dr.Adeep Aslam
28. Dr.Praveena Meenakshi P
29. Dr.Vishnu Ram V
30. Dr.Sriram C K
31. Dr.Rashiha R
32. Dr.Gayathri S
33. Dr.Mohan Kumar V
34. Dr.Manojh M
35. Dr.Vundinty Vennela
36. Dr.Sindhu RSS
37. Dr.Harini J
38. Dr.Himana Nishara S
39. Dr.Walter Prabakaran M
40. Dr.Vysakh S
41. Dr.Nithya.M
42. Dr.Kavi Prabha E
43. Dr.Kishan V
44. Dr.Abdul Hakeem S
45. Dr.Sowmiya P K
46. Dr.Divakar S
47. Dr.Renugadevi S
48. Dr.Sai Krishnan M
49. Dr.Vignesh Babu T
50. Dr.Bavadhaarini S
51. Dr.Leena S
52. Dr.Karthik M R
53. Dr.Azmeera Mahesh
54. Dr.Nilofer Noorie M
55. Dr.Sabareena Tharini N
56. Dr.Puliseri Srinivas
57. Dr.Divyapriya S
58. Dr.Arya N. Baby
59. Dr.Najiya Mohamadunni
60. Dr.Savitha M
61. Dr.Ranjith K Robert
62. Dr.Sailesh Babu G.R
63. Dr.Suresh Vislavath
64. Dr.Keerthy Nath S
65. Dr.Aravind Babu. K.
66. Dr.Selvakumar G
67. Dr.Jagan Babu K L
68. Dr.Shunmadhi S
69. Dr.Jayanthan S S

... Respondents

W.A.NO.1422 OF 2022

1. Dr.Indrajit.A
2. Dr.Niveditha P
3. Dr.Sajna S
4. Dr.Saravanan R
5. Dr.Abinhaya.G
6. Dr.Gayathri.B.S
7. Dr.VArun Maurya.R
8. Dr.Jeiganesh M
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50. Dr.Aravindh Babu. K.

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71. Dr.Pradeepa.N
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 106. Dr.Divya Raviprakash
 107. Dr.Shruthi Pavana Janardhan
 108. Dr.Anis Stephy A
 109. Dr.Nunavath Santosh
 110. Dr.Vasantha Bharathy C
 111. Dr.Vishnupriya R T
 112. Dr.Buvanesh J
 113. Dr.Sukanya M
 114. Dr.Monisha Maria P
 115. Dr.Annapoorneswary.R
- ... Respondents

PRAYER:-

Appeals filed under Clause 15 of the Letters Patent against the order dated 25.05.2022 passed in W.P.No.13279 of 2022 on the file of this Court.

PRAYER IN W.P.NO.13279 OF 2022:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 3 to 15 to forthwith return the original certificates/documents of the petitioners, collected by the Respondents 3 to 15 while admitting the petitioners to post Graduate Degree courses in various institutions as sought vide

representation lastly dated 04/05/2022 in light of the Judgment of this Court in W.A.No.1182 of 2022 dated 27/04/2022.

For Appellants
in W.A.No.1472 of 2022
&
For Respondents 16-115
in W.A.No.1422 of 2022

: Mr.N.A.Nissar Ahmed
and Mr.M.Adil Ahmed

For 1st Respondent
in both W.A's.

: Mr.P.Muthukumar
State Government Pleader
Assisted by
Mr.Alagu Gowtham
Government Advocate

For Respondents
16 to 69
in W.A.No.1472 of 2022 : Mr.S.R.Rajagopal
& For M/s.S.Shanmitha
For Appellants
in W.A.No.1422 of 2022

JUDGMENT

(Judgment of the Court was 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 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."

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.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Principal Secretary to
Government of Tamil Nadu
Health and Family Department,
Secretariat, Chennai - 600 009.
2. The Deputy Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Dean,
Madras Medical College,
E.V.R. Salai,
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5. The Dean,
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Tamil Nadu - 628 008.

15. The Dean,
Government Vellore Medical
College and Hospital,
Pennathur Post, Adukkamparai,
Vellore, Tamil Nadu - 632 011.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.41124
+1cc to M/s.S.Shanmitha, Advocate, S.R.No.41909

W.A.NOS.1472 AND 1422 OF 2022

JPL(CO)
PBS/14/07/2022