



W.P.No.25000 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 02.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25000 of 2022 and
W.M.P.No.23936 of 2022

- 1.Dr.S.M.Mohamed Rebayudeen
- 2.Dr.Visuwavasawa C.R.
- 3.Dr.Anandhi
- 4.Dr.Pranathi P
- 5.Dr.Nisha C
- 6.Dr.Chandini J
- 7.Dr.S.Jagadeshwari
- 8.Dr.Priyadharshini

... Petitioners

Vs

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health Family Department,
Secretariat, Chennai – 600 009.
- 2.The 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.Government Kilpauk Medical College,
Represented by its Dean,



W.P.No.25000 of 2022

Poonamallee High Road, Kilpauk,
Chennai – 600 010.

WEB COPY

5. Government Chengalpattu Medical College,
Represented by its Dean,
G.S.T. Road, Chengalpattu District,
Kancheepuram 603 001.

... Respondents

Prayer : Petition filed 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 original certificates of the petitioners that were submitted by them at the time of their admission to Post Graduation Degree Courses in the respondents 3 to 5 colleges.

For Petitioner : Ms. Shanmitha. S

For Respondents : Mr. T. Chezhiyan
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is for a writ of mandamus directing the respondents to forthwith return all the original certificates of the petitioners that were submitted by them at the time of their admission to Post Graduation Degree Courses in the respondents 3 to 5 Colleges.

2. The petitioners joined in the P.G. Degree course at the respondents 3, 4 and 5 Colleges and completed the respective courses in May 2020. At the time of joining the course apart from the original certificates of U.G. Degree certificates and other relevant certificates, a bond also has been



W.P.No.25000 of 2022

submitted to the respective Deans of the Colleges concerned that after completion of the P.G. Degree course, they will work for two years period that is called 'bond period'.

3. In this regard, after completion of the two years P.G. Degree course by all these petitioners in May 2020, though the petitioners waited for getting an offer from the respondents as they were ready and willing to work with the Government Institutions or Hospitals, such an offer had come to them by asking them to participate in the counselling which was held on 05.07.2021 by the time since the petitioners have been engaged in some other area, they could not immediately honour the offer given by the respondents.

4. In the meanwhile, 14 months of the two years bond period has already lapsed, therefore only for the remaining period the said offer has come from the respondents even that could not honour. Therefore at this juncture, the petitioners have moved the present writ petition seeking for a direction from this Court to the respondents to release the certificates enabling the petitioners to explore the possibility of joining in any other



W.P.No.25000 of 2022

Institution or Hospital or to pursue their Super Specialty Degree courses as the case may be.

5. Heard Ms.S.Shanmitha, learned counsel appearing for the petitioners who having reiterated the aforesaid would seek indulgence of this Court.

6. Heard Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents, who has submitted a positional note under which it has been stated that all the 8 petitioners have been offered the postings and place of postings have been divulged to them pursuant to the counselling held on 05.07.2021. However, none of these petitioners have accepted the offer and they have left, therefore the petitioners are liable to work for the bond period with the Government Institutions or Hospitals. However, as of now such an offer could not be given, however when such a requirement is arisen in future due to emergency, that kind of call would be given to the petitioners and the petitioners must be ready and willing to work for the institution atleast for the remaining period out of the two years bond period.



W.P.No.25000 of 2022

7. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

8. Insofar as the plea raised by the petitioners in this writ petition it is no more *res integra* as number of similar cases as that of the petitioners having been considered by this Court orders have been passed, in a recent order in W.P.No.26461 of 2022 etc. batch dated 17.10.2022 in the matter of P.Ruba Devi Vs. State of Tamil Nadu and others, this Court, having considered the said circumstances, passed the following order:

“22. As has been rightly pointed out by the learned counsel appearing for the petitioners which could not be controverted by the learned Special Government Pleader for the respondents that, the issue raised in these writ petitions is no more *res integra* as in the Division Bench judgment in W.A.No.799 of 2021 dated 06.10.2022, the Division Bench has concluded this issue.

23. The Division Bench in fact has held that the bond period is coterminous with the candidates concerned, therefore once the bond period is over i.e. the two years as the case may be if it is over within which if no offer of employment is given to whatever reason by the respondents, then the candidates



cannot be clutched for any further period and they are entitled to get back their certificates and they are free to go for any other organisation to join or to go for any higher studies. Suppose in some cases if the bond period is not completed, even though the petitioners are ready and willing to work since there has been no offer given as of now by the respondents, the petitioners cannot be clutched and they cannot be kept idle without joining in any other course or in any other job opportunity and therefore, the Government i.e. the respondents themselves have come forward to make the offer that within the bond period if they want to take back the certificates and if they come forward to give an undertaking that whenever they are called for an emergency they would come back and serve for the bond period their certificates can be given back. The petitioners also since have agreed upon to give such an undertaking, this Court having taken note of all these aspects is inclined to dispose of these writ petitions with the following orders:

(i) That there shall be a direction to the respondents in all these writ petitions to consider the request made by each of the petitioners with regard to the returning back of the original certificates which are held by the respondents as they have been given by the respective petitioners at the time they joined in the respective P.G. Degree courses or P.G. Diploma courses and return back those certificates, in respect of the petitioners



W.P.No.25000 of 2022

who completed the two years bond period as of now, forthwith i.e. within a period of two weeks from the date of receipt of a copy of this order.

(ii) Insofar as W.P.No.27467 of 2022 is concerned, since for a period of one year the petitioner had been in maternity leave and despite the offer made in this regard by the respondents, the petitioner could not serve because of the maternity leave and now the petitioner has come forward to give an undertaking that maternity leave period of one year taken by the petitioner would be compensated by serving the respondent institution if such offer is given in future in case of emergency. Therefore, with that condition to give undertaking the petitioner is entitled to get back the certificates.

(iii) Insofar as the W.P.No.27248 & 27249 of 2022 are concerned, since the bond period are over, within the bond period only covid-19 duty were offered to them and no regular duty has been given or posting or appointments are given, these petitioners in the said two writ petitions are free to get their certificates and the certificates belong to them shall be returned back by the respondents without any further conditions.

(iv) Insofar as all other writ petitions are concerned, since the bond period having not over as they have completed the P.G. Degree Courses only in 2022, after getting written undertaking to that effect as desired by the respondents from each of the petitioners that they would be ready to serve to the



W.P.No.25000 of 2022

respondents/institutions/State Government when they are called for due to emergency in future and with these undertaking obtained from these petitioners individually, the respondents shall release the certificates belongs to these petitioners. The needful shall be undertaken by the respondents after getting these undertaking from the petitioners within one week thereafter.

24. With these directions, all these Writ Petitions are disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”

9. In view of the said order passed by this Court and similar orders have been passed in number of cases, this Court feels that this writ petition also can be disposed of with the following orders:

(i) That there shall be a direction to the respondents especially the Medical Colleges to return back all the original certificates of the respective petitioners after getting an undertaking affidavit from each of the petitioners that they are ready and willing to work for the Institution/Government Hospitals in case if any such emergency is arisen and such a call is given by the respondents to the petitioners for the remaining bond period i.e. the remaining period for which an



W.P.No.25000 of 2022

offer though was given earlier which was not honoured by the
petitioners.

(ii) The certificates shall be returned to the petitioners on
getting such undertaking affidavit within a period of one week
from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

02.11.2022

Index : Yes / No

Speaking Order: Yes / No

Note: Issue order copy on **03.11.2022**

Sgl

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Health 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, Chennai – 600 003.
- 4.The Dean, Government Kilpauk Medical College,
Poonamallee High Road, Kilpauk, Chennai – 600 010.
- 5.The Dean, Government Chengalpattu Medical College,
G.S.T. Road, Chengalpattu District,
Kancheepuram 603 001.

R. SURESH KUMAR, J.



WEB COPY



W.P.No.25000 of 2022

Sgl

W.P.No.25000 of 2022

02.11.2022