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W.P.No.25717 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.25717 of 2022
and W.M.P.Nos.24764 & 24767 of 2022

1.Dr.Anju Bhagat
2.Dr.Mohesina

.... Petitioners

-Vs-

- 1 The State of TamilNadu
Rep.by its Principal Secretary to
Government Health and Family Welfare
Department Secretariat Chennai.
- 2 The Director of Medical Education
Directorate of Medical Education
Kilapauk Chennai - 10.
- 3 The Deputy Director of Medical Education
Directorate of Medical Education
Kilapauk Chennai - 10.
- 4 The National Medical Council
Rep. by its Secretary Pocket 14 Sector-8
Dwarka Phase I New Delhi-110 077.
- 5 The Dean
Madras Medical College Chennai.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus direct the Respondents to release/return the original certificates retained by the respondents during admission to Post



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Graduate Diploma Course to the Petitioners forthwith in light of the order made in respect of similarly placed persons in W.P(MD) No.9821 of 2022 dated 19.05.2022 on the file of this Honble Court and W.P. No. 12541 of 2022 dated 13.05.2022 on the file of the Principal Seat of this Honble High Court.

For Petitioner : Mr.D.Venkatraman

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader – RR 1 to 3 & 5

Mrs.Shubharanjani Ananth
Standing Counsel – for R4

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the Respondents to release/return the original certificates retained by the respondents during admission to Post Graduate Diploma Course to the Petitioners forthwith in light of the order made in respect of similarly placed persons in W.P(MD) No.9821 of 2022 dated 19.05.2022 and W.P. No. 12541 of 2022 dated 13.05.2022.

2. These petitioners, after completing MBBS Course joined in the P.G.Diploma in Ophthalmology in the fifth respondent college, where they completed the course by September 2020. At the time of joining in the PG Course, the petitioners had submitted all their original certificates pertaining to



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their UG Degree and also executed a bond under which the petitioners have to serve the Government Institution for two years after the completion of the PG Diploma Course.

3. After completion of PG Diploma course, subsequently the petitioners' service should have been utilized even on temporary basis at least in order to complete the conditions imposed in the bond executed by them. However, no such appointment has been given for utilizing the services of the petitioners for two years period.

4. Since the petitioners' services could not be utilized, the petitioners wanted to acquire job in any other private hospitals. However, the certificates pertaining to the petitioners' UG Degree are very much essential for getting such job and in order to get those certificates, the petitioners have requested the respondents which have not been returned to the petitioners stating the reason that the petitioners have not served for two years period in the Government institution as part of their bond condition. Only in that circumstances, the petitioners have filed the present writ petition.

5. Heard the learned counsel for the petitioners, Mr.U.M.Ravichandran learned Special Government Pleader appearing for respondents 1 to 3 and 5 and



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Mrs.Shubharanjani Ananth, learned Standing Counsel appearing for the fourth respondent.

6. Learned Special Government Pleader would submit that, since admittedly the petitioners have executed a bond in favour of the respondents to serve the Government for two years period, they cannot go beyond the said conditions imposed in the bond and therefore, in this regard the respondents would consider whether the services of the petitioners can be utilized for a period of two years as per the bond conditions, otherwise the certificates which are retained by the respondents especially the fifth respondent would be returned to the petitioners.

7. I have considered the submissions made by the learned counsel for both sides and also have gone through the materials placed on record.

8. As has been pointed out by the learned Special Government Pleader, since there has been a bond executed by the petitioners wherein as per the conditions imposed, the petitioners services can be retained for two years, it is open to the respondents to utilize their services after conducting appropriate counselling and necessary posting orders shall be given. If the respondents decide that the petitioners' services is no more required to be retained for a



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period of two years at least on temporary basis, as per the conditions imposed in the bond executed by the petitioners, then the respondents shall release / return the certificates of the petitioners pertaining their UG Degree they have submitted to the fifth respondent at the time of joining the PG Diploma course. The needful as indicated above shall be undertaken by the respondents within a period of four weeks from the date of receipt of a copy of this order. It is made clear that in this regard, along with a copy of this order, each of the petitioner shall make a representation to the fifth respondent and on receipt of the same, the needful as indicated above shall be undertaken by the fifth respondent.

9. With the above directions, this writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

26.09.2022

Index : Yes/No
Internet : Yes/No
KST



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To

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Department Secretariat Chennai.
- 2 The Director of Medical Education
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R. SURESH KUMAR, J.

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