



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

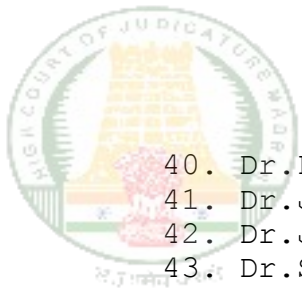
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28526 of 2021

and

W.M.P.Nos.30141 & 30142 of 2021

1. Dr.N.Karthikeyan
2. Dr.Eswar R
3. Dr.Keerthi Krishnan
4. Dr.Srinidhi V
5. Dr.Sarah Mary Thampi
6. Dr.Ganesh S
7. Dr.Fathima Simron Bano
8. Dr.Sachin Vijayakumar
9. Dr.S.Ajayaravind
10. Dr.M.Ramesh
11. Dr.Parvathy.S
12. Dr.Aakash
13. Dr.Akshaya Ranganaath
14. Dr.Juvin A.G
15. Dr.S.Ram Sundar
16. Dr.Manoj Prabhakar
17. Dr.Sahaya Francis Akiston
18. Dr.Mohammed Asad
19. Dr.M.Vikashini
20. Dr.Jyothi Prakash J
21. Dr.Anisha Mol P.G.
22. Dr.K.Roshan Praburaj
23. Dr.Lakshmi K. Nair
24. Dr.Sai Ramakrishna O.
25. Dr.Terese Jose
26. Dr. Gokul Ram.V
27. Dr.K.R.Jegan
28. Dr.Divya Davison E
29. Dr.Sivaranjani S.
30. Dr.J.Sofia
31. Dr.K.C.Akash Praveen
32. Dr.Abishek Venugopal Nair
33. Dr.Jeena Elizabeth John
34. Dr.Sinki Rohini
35. Dr.Susila Sharmili
36. Dr.S.Arunjeeva
37. Dr.A.Bennett Philip
38. Dr.Arvind Rengarajan A.R.G
39. Dr.Kelna Mohan



40. Dr.Pari Thooran S.K
41. Dr.Joe Clinton X
42. Dr.Joshua N
43. Dr.Swathika V.C

...Petitioners

Vs.

WEB COPY

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai-600 009.
2. Directorate of Medical Education,
Represented by the Deputy director of Medical Education,
Kilpauk, Chennai-600 010.
3. Government Chengalpattu Medical College
Represented by its Dean,
G.S.T. Road, Chengalpattu District,
Kancheepuram-603 001.
4. Madras Medical College,
Represented by its Dean,
E.V.R. Salai, Chennai-600 003.
5. Government Kilpauk Medical College,
Represented by its Dean,
Poonamalee High Road, Kilpauk,
Chennai-600 010.
6. Kanyakumari Government Medical College,
Represented by its Dean,
Asaripallam, Nagercoil, Kanayakumari District,
Tamil Nadu-629 201.
7. Theni Government Medical College,
Represented by its Dean,
Kochi-Madurai -Tondi Point Rd,
Kanavilakku, Theni-625 531.
8. Thanjavur Medical College
Represented by its Dean,
Thanjavur -613 004.
9. Stanley Medical College,
Represented by its Dean,
No.1, Old Jail Road, Chennai-600 001.
10. Government Mohan Kumaramangalam Medical College Hospital,
Represented by its Dean,
Fort Main Road, Salem-636 002.



WEB COPY

11. KAP Viswanathan Government Medical College,
Represented by its Dean,
Periyamilaguparai, Collector's Office Road,
Trichy-620 001.
12. Coimbatore Government Medical College,
Represented by its Dean,
Coimbatore-641 018.
13. Tirunelveli Medical College,
Represented by its Dean,
High Ground Road, Palayamkottai,
Tirunelveli-627 011.
14. Madurai Medical College,
Represented by its Dean,
Panagal Road, Alwarpuram,
Madurai-625 050.
15. University Grants Commission,
Represented by its Secretary,
Bahadur Shah Safar Marg,
New Delhi-110 002.
16. National Medical Council,
Represented by its Secretary,
Pocket 14, Sector-8, Dwarka Phase I,
New Delhi-110 077. ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 to 14 to forthwith return the original certificates/documents of the petitioners, collected by the Respondents 3 to 14 while admitting the petitioners to Post Graduate Degree courses in various institutions.

For Petitioners	: Mr.Suhrith Parthasarathy
For Respondents R1 & R2	: Mr.D.Ravichandran Special Government Pleader Assisted by Mr.C.Jayaprakash Government Advocate
For Respondents R3 to R14	: M/s.Shivaranjani Ananth
For Respondents R15 & R16	: Mr.Gopinath



O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents 3 to 14 to forthwith return the original certificates / documents of the petitioners, collected by the Respondents 3 to 14 while admitting the petitioners to Post Graduate Degree courses in various institutions.

2. The case of the petitioners is that, they are qualified Doctors and have completed M.B.B.S Degree and secured Post Graduate (in short P.G) Admission in the respondents 3 to 14 Government colleges through All India and State quota for the academic year 2018-19. During admission, the petitioners were directed to submit their original documents and certificates to the respective respondents colleges as compulsory pre-condition to secure admission in the said colleges. In addition, the petitioners, being non-service candidates, were also required to sign a bond for a sum of Rs.40,00,000/- with the undertaking that they would serve the Government of Tamil Nadu for a period not less than two years. The petitioners completed the course in the year May 2021 and participated in the examination conducted in August 2021 and the results were published in September 2021 and the petitioners became the eligible Doctors from September. However, till date, the 2nd respondent has neither conducted counselling for regular Bond postings for the petitioners, nor issued Posting order and have also retained the original certificates and documents of the petitioners, stating that the petitioners have not completed the compulsory bond period of two years. Hence, this Writ petition is filed.

3. The learned counsel appearing for the petitioners submitted that though the petitioners have successfully completed their P.G course during the month of September 2021, the 2nd respondent has neither conducted counselling for regular Bond postings for the petitioners till date, nor returned the original certificates and documents of the petitioners collected during the time of admission to the P.G. course under the pretext that the petitioners have not completed the compulsory bond period of two years.

4. He further submitted that, even the payment of Rs.75,000/- to the petitioners for four months of COVID duty rendered from June to September 2021, which was promised by the 1st respondent vide its order dated 08.10.2021, was not paid to the petitioners properly. He also submitted that they have not treated the period of Covid duty rendered by the petitioners during the month of June to September 2021 as Bond duty and the petitioners came to know from the newspaper article that there are no vacancies in the State of Tamil Nadu for appointing Non-service Post Graduate Doctors. While such being the case,



retaining the certificates and documents of the petitioners and restraining them from acquiring job in private sector is not sustainable. Hence, he submitted that it would suffice, if this Court issues direction to the respondents 3-14 to return the original certificates and documents of the petitioners, enabling them to obtain job in any of the private sector.

5. The learned counsel appearing on behalf of the 1st and 2nd respondents, on instructions, submitted that, as per the Prospectus dated 16.03.2018, the petitioners are directed to serve the Government of Tamil Nadu for a period of two years from the date of completion of their PG course and their Certificates will be released after successful completion of the bond period of two years.

6. Heard the arguments advanced by the learned counsel on either side.

7. In view of the above submission made by the learned counsel on either side, and that admittedly, the petitioners completed their P.G. Course during the month of June 2021 and have also rendered the COVID duty during the month of June to September 2021 and on perusal of the instructions submitted by the Director of Medical Education/2nd respondent, it reveals that the petitioners' service was extended for further period of four months due to COVID duty. However, retaining the original certificates/ documents submitted by the petitioners at the time of admission to the respective respondents colleges on the ground that, the petitioners have not completed the two years of service as per the bond, without issuing Posting Orders is not sustainable and also retaining the petitioners from acquiring job elsewhere cannot be acceded to.

8. Hence, this Court issues direction to the 1st and 2nd respondents to issue Posting Orders to the petitioners and pay them proper stipend within a period of six weeks from the date of receipt of a copy of this order, failing which the respondents 3 to 14 are directed to release the original certificates and documents submitted by the petitioners during the time of admission within a period of one week thereafter, enabling them to acquire job elsewhere.

9. Accordingly, this writ petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

skt

Sub Assistant Registrar



To

1. The Principal Secretary,
The State of Tamil Nadu,
Health and Family Department,
Secretariat, Chennai-600 009.
2. The Deputy director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.
3. The Dean,
Government Chengalpattu Medical College
G.S.T. Road, Chengalpattu District,
Kancheepuram-603 001.
4. The Dean,
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5. The Dean,
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Tamil Nadu-629 201.
7. The Dean,
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Kochi-Madurai -Tondi Point Rd,
Kanavilakku, Theni-625 531.
8. The Dean,
Thanjavur Medical College
Thanjavur -613 004.
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Stanley Medical College,
No.1, Old Jail Road, Chennai-600 001.
10. The Dean,
Government Mohan Kumaramangalam Medical College Hospital,
Fort Main Road, Salem-636 002.
11. The Dean,
KAP Viswanathan Government Medical College,
Periyamilaguparai, Collector's Office Road,
Trichy-620 001.



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Coimbatore-641 018.

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13. The Dean,
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Tirunelveli-627 011.

14. The Dean,
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Panagal Road, Alwarpuram,
Madurai-625 050.

15. The Secretary,
University Grants Commission,
Bahadur Shah Safar Marg,
New Delhi-110 002.

16. The Secretary,
National Medical Council,
Pocket 14, Sector-8, Dwarka Phase I,
New Delhi-110 077.

+1cc to Mr.Suhrith Parthasarathy, Advocate, S.R.No. 3122
+1cc to the Government Pleader, S.R.No. 3362

W.P.No.28526 of 2021
and
W.M.P.Nos.30141 & 30142 of 2021

NMI (CO)
GN(01/03/2022)