



W.P.No.28978 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28978 of 2022

Dr.K.Archana

.... Petitioner

-Vs-

- 1.State of Tamil Nadu
rep.by its Secretary
Health and Family Welfare Department
Fort St.George, Chennai 600 009.
- 2.The Director of Medical Education
Kilpauk, Chennai 600 010.
- 3.The Dean
Madras Medical College,
EVR Periyar Salai, Chennai-600 003.
- 4.The Dean/Chief Medical Officer
Marakkanam Government Hospital
Marakkanam – 604 303.
- 5.Chairman / Joint Director of Health Services
Villupuram, The District Medical Board
Office of the Joint Director of Health Services
(JDHS) Villupuram.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd respondent authorities to return all original certificates of the petitioner that were submitted by her at the time of her admission to Post Graduate Diploma in Obstetrics and



W.P.No.28978 of 2022

Gynaecology course during May 2018 in the 3rd respondent college within a time frame stipulated by this Hon'ble Court.

For Petitioner : Ms.Shanmitha S.

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 2nd and 3rd respondent authorities to return all original certificates of the petitioner that were submitted by her at the time of her admission to Post Graduate Diploma in Obstetrics and Gynaecology course during May 2018 in the 3rd respondent college within a time frame stipulated by this Hon'ble Court.

2. The petitioner joined PG Degree Course ie., PG Diploma in Obstetrics and Gynaecology during May 2018 in the third respondent College and she completed the course in May 2020. Thereafter, as per the bond condition, she worked for 20 months in the college. Despite she having worked for 20 months during the bond period, the original certificates which the petitioner had produced at the time of joining have so far not been returned to the petitioner. Therefore, in order to get the certificates returned to her, the petitioner has moved the present writ petition with the aforesaid prayer.



W.P.No.28978 of 2022

3. Heard Ms.S.Shanmitha, learned counsel for the petitioner and Mr.U.M.Ravichandran, learned Special Government Pleader for the respondents.

3. The issue as to whether the students are entitled to get back the certificates despite the fact that they have not complied with the bond condition has already been dealt with in number of cases and number of orders have been passed by this Court to the effect that, where, even though the doctors were not able to comply with the bond condition by working in the hospital concerned, that if the Government comes forward to utilize their services, their services can be utilized and otherwise also they are entitled to get their certificates back by giving an undertaking that as and when required on emergency basis, they would come to serve the institution / hospital concerned. The said concession was given even to those whose bond period has not been completed.

4. Insofar as the petitioner is concerned, the bond period was over in May 2020 itself and the petitioner had worked in the third respondent institution for 20 months after her course was completed. When that being so, since the petitioner had served in the institution for majority of the bond period, this Court feels that the certificates of the petitioner shall be returned back to her and the third respondent college can have no more clutch over the petitioner by saying the condition in the bond executed by her at the time of admission has not been



W.P.No.28978 of 2022

complied with.

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

“That there shall be a direction to the respondents to return back the original certificates submitted by the petitioner, at the time of admission into the PG Diploma Course in 2018 forthwith ie., within a period of one week from the date of receipt of a copy of this order.”

6. With the above directions, this writ petition is disposed of. No costs.

03.11.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy tomorrow (04.11.2022)



W.P.No.28978 of 2022

To

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W.P.No.28978 of 2022

R. SURESH KUMAR, J.

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W.P.No. 28978 of 2022

03.11.2022