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W.P.Nos.22423, 22424, 25859 of 2017 & 5497 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.Nos.22423, 22424, 25859 of 2017 & 5497 of 2016
and connected Miscellaneous Petitions

Dr.Noorul Hidaya	..Petitioner in WP 22423 of 2017
Dr.R.Raghupathi	..Petitioner in WP 22424 of 2017
Dr.R.Nivedha	..Petitioner in WP 25859 of 2017
Dr.R.Vetri Nallathambi	..Petitioner in WP 5497 of 2016

Vs.

- 1.The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Director,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.
3. The Dean
Madurai Medical College & Hospital
Madurai 625 020.
4. The Medical Council of India
New Delhi.



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5. The Tamil Nadu Medical Council,
914, Poonamalle High Road,
Arumbakkam, Chennai

R4 & R5 Suo-motu Impleaded as per order
dated 23.8.17 by NKKJ in WP Nos.22423 & 22424/17

6. Tamil Nadu Dr.MGR Medical University
Rep. By its Registrar, Guindy,
Chennai 600 032. .. Respondents in WP Nos. 22423, 22424 &
25859 of 2017

R6 Suo-motu Impleaded as per order
dated 06.10.2017 by NKKJ in
WP Nos.22423, 22424 & 25859 of 2017

3. The Dean
Madurai Medical College & Hospital
Madurai 625 020. .. 3rd respondent in WP No.22424/17

3. The Dean
Tirunelveli Medical College & Hospital
Tirunelveli 627 011. .. 3rd respondent in WP No.25859/17

1. The Dean
Madurai Medical College
Madurai.

2. The Director of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.



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3. The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai 600 009.

4. The Union of India,
Rep. By its Secretary,
Ministry of Health and Family Welfare,
New Delhi.

... Respondents in WP 5497/16

R4 Suo motu impleaded as per order dated 08.12.2017
by NKKJ in WP Nos.22423, 22424, 25859/2017 & 5497/16

Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of

in WP Nos.22423, 22424, 25859/2017: Writ of Certiorarified Mandamus, calling for the records relating to the impugned G.O.Ms.No.92 dated 29.02.2016 Health & Family Welfare Department the first respondent and quash the same insofar as the same enabling the second the third respondents' authorities to retain the original certificates of the petitioner and other PG students till they complete the bond condition of rendering two years of Government service as per the bond obtained from the petitioner while granting admission into Post Graduate Medical Course and consequently direct the respondents' authorities to return the original certificates of the petitioner viz. SSLC Certificate/mark sheet, Higher Secondary Certificate/ Mark sheet, Higher Secondary certificate/Mark sheet, MBBS degree certificate, mark sheets, medical council registration certificate, CRRI training completion certificate, community certificate, transfer certificate, conduct certificate as well as the Post Graduate degree



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certificate within a time to be stipulated by this Court.

In WP No.5497 of 2016: Writ of Certiorarified Mandamus by calling for the records relating to the proceedings of the first respondent dated 01.02.2016 made in Na.Ka.No.09079/Maka.5/2015, quash the same and direct the respondents 1 & 2 to refund the sum of Rs.10 lakhs paid by the petitioner on 24.12.13 for the purpose of getting back all his original certificates.

For Petitioners in WP Nos.22423,
and 22424, 25859/2017 : Mr.S.Thankasivan

For Petitioner in WP 5497/16 : Mr.K.Rajasekaran

For Respondents : Ms.V.Yamunadevi,
(in all the petitions) Spl. Govt. Pleader, for RR1 to 3

Ms.Shubharanjani Ananth, for R4

Mr.G.Sankaran, for R5

Mr.P.Ilayarajkumar
for M/s. Ramalingam & Associates,
for R6

No appearance – R4 (in WP 5497/16)

COMMON ORDER

The issue involved in these Writ Petitions is actually covered by the decision of the Division Bench of this Court in *State of Tamil Nadu v. P.S.Sairam and others*, reported in *2020 SCOnline Mad 2742*, wherein



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the Division Bench has held as follows:

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“107. We have, therefore, no option but to set aside the impugned judgment dated 1.10.2018, but with a direction that in the event the period of two years has passed by after the passing out of the candidates without any offer of employment, then, in that event, they are not bound by the terms of the bonds executed by them and are consequently entitled for return of certificates. It is further clarified that this period will have to be sorted out in respect of all the candidates together with the details of the offer of employment made to them. The State Government shall, accordingly, prepare a list of all such candidates within fifteen days from today and notify it with details, including the date of passing out; the status of the offer of employment or otherwise, as well as the date of expiry of two years, in order to avoid any confusion on this count.”



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2. In view of the above, these Writ Petitions are also **disposed of** in terms of the judgment of the Division Bench. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order

To:-

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6. The Registrar
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Guindy, Chennai 600 032.
7. The Secretary,
Union of India,
Ministry of Health and Family Welfare,
New Delhi.
8. The Dean
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R.SUBRAMANIAN, J.

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