



W.P. No.32716 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P. No.32716 of 2022

Sushma Chandragiri

... Petitioner

Vs

1.The State of Tamil Nadu

Represented by its Principal Secretary
Health and Family Welfare Department
Secretariat, Fort St. George
Chennai - 600 009

2.Directorate of Medical Education

Represented by the Deputy Director of
Medical Education
Kilpauk, Chennai - 600 010

3.The Registrar

The Tamil Nadu Dr.M.G.R.Medical University
69, Anna Salai
Guindy, Chennai - 600 032

4.The Dean

Madras Medical College
Chennai-3

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus to direct the 2nd and 4th respondents to return the original certificates of the petitioner that were submitted by her at the time of her admission to DM Neurology on 2019.

For Petitioner : Mr.L.K.Swaraj

For Respondents : Mr.T.Seenivasan, Spl. Govt. Pleader
for Respondents 1, 2 and 4

ORDER

The prayer in the writ petition is for a mandamus, directing the respondents 2 and 4, to return the original certificates of the petitioner that were submitted by her at the time of her admission to DM Neurology on 2019.

2. The issue in the writ petition is no longer *res integra*. It is actually covered by the decision of the Division Bench of this court dated 06.10.2022 made in W.A. No.799 of 2021, wherein, the Division Bench had issued certain directions regarding the return of original certificates to the persons similarly placed as the petitioner. The same is reiterated by this



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court in W.P. No.26461 of 2022 etc. batch dated 17.10.2022. The order

reads as follows:

"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 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.



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(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 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.?"

3. In view of the above said orders passed by this court, following the same, the writ petition is disposed of with the following directions.



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(i) *That the petitioners are entitled to get the original certificates which they produced at the time of joining in the Super Speciality course as well as at the time of joining in the PG degree course, if they are still with the respondents, on condition that the petitioners shall file an undertaking affidavit individually to the respondents assuring that, the petitioners would be ready and willing to work with the respondents i.e. Government hospital and institutions in future in case of emergency and if any such call is given by the respondents, that would be honoured by the petitioners to join immediately to the duty with the Government hospitals and institutions in future for the total bond period i.e. two years bond period if that is executed after completion of PG degree course (if done in Tamil Nadu) and another two years bond period after completion of Super Speciality course.*

(ii) *If such a compliance is made by the respective petitioners by giving an undertaking affidavit as indicated above, after receipt of the same, the respondents shall forthwith give back the certificates pertaining to these petitioners.*

(iii) *It is also made clear that in the affidavit to be executed by each of the petitioners as indicated above, the petitioners shall indicate their present address as well as permanent address for future communication by the respondents.*



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4. With the above directions, the writ Petition is disposed of. No

costs.

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Speaking order

To:

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Represented by its Principal Secretary
Health and Family Welfare Department
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5.The Government Pleader, High Court, Madras

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R.SUBRAMANIAN, J.

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