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W.P.No.31710 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.31710 of 2022

Dr.Anthony Joseph Britto

.... Petitioner

-Vs-

1.The State of Tamil Nadu
Principal Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai 600 009.

2.The Director of Medical Education
No.162, EVR Periyar Salai
Kilpauk, Chennai 600 010.

3.The Dean
Government Vellore Medical College
Vellore, Vellore District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to return the original certificates of the petitioners retained by the 3rd respondent regarding the Post Graduation Course of the petitioner.

For Petitioner : Mr.K.R.Laxman

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



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 and 2 to return the original certificates of the petitioners retained by the 3rd respondent regarding the Post Graduation Course of the petitioner.

2. The petitioner joined in the P.G.Course at the third respondent College and completed the same in May 2022. At the time of joining the college the petitioner executed a bond under which the petitioner has to serve the institution for a period of two years after completing the P.G.Degree. Accordingly, after completing the PG degree, the petitioner though was willing to serve for two years, except COVID-19 duty no other duty was allotted to the petitioner.

3. While that being so, the petitioner had applied for Super Specialty Course through NEET and he was qualified to get the said Super Specialty course this year and in order to join the said course, when the petitioner approached the third respondent to get the original degree certificates, which he had produced at the time of joining the P.G.degree at the third respondent college, by citing the reason that two years service of the petitioner was required at the third respondent college as per the bond condition, the certificates are denied. Therefore, the petitioner is before this Court.



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4. Heard the learned counsel for the petitioner and Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents.

5. Though the petitioner has completed the PG Degree course only in 2022 and two years bond period is yet to be completed, the petitioner wants to give an undertaking to the third respondent institution that, after she joins and completes the Super Specialty Course, she is ready and willing to work with or serve the third respondent or any other institution at the instance of the third respondent.

6. In view of the aforesaid stand taken by the petitioner through the learned counsel for the petitioner, this Court is inclined to dispose of this writ petition with the following order.

- That the petitioner shall execute an indemnity bond with an undertaking that the two years bond period can be extended for further period of two years after the petitioner completes the Super Specialty Course for which he has been qualified now and after she completes the Super Specialty Course in Medicine, he would again serve the fourth respondent institution or any other institution at the instance of the third respondent institution for a period of two years.



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- On receipt of such undertaking to be executed by the petitioner, the respondents shall release the original certificates held by them which were submitted by the petitioner along with the provisional certificate of the P.G.Degree course, enabling the petitioner to join in the Super Specialty Course.
- The petitioner shall also give an undertaking to the effect that, if the Government comes forward to utilize the services of the petitioner by including him for counseling to be called for, he is ready and willing to participate in the counseling and depending upon the availability of the vacancies and the orders to be passed by the respondents giving appointment / engagement of the petitioner and similarly placed persons, the petitioner is ready to take up such appointment and work in the institutions / hospitals concerned, where such postings are given by the respondents.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

29.11.2022

Index : Yes/No
Internet : Yes/No
KST



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R. SURESH KUMAR, J.

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