



W.P.No.32589 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32589 of 2022

1. Dr.Arun
2. Dr.Umrao Singh
3. Dr. Pritam Pritish Patnaik
4. Dr.Joyti Ranjan Dash
5. Dr.Y.Yuvaraju

... Petitioners

-Vs-

- 1.The Principal Secretary to Government
of Tamil Nadu, 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,
Stanley Medical College,
1, Old Jail Road, George Town,
Chennai, Tamil Nadu – 600 001.

4. Kilpauk Medical College,
Represented by its Dean,
822, Poonamallee High Road, Kilpauk,
Chennai – 600 010.

... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to return the original certificates of the petitioners collected by the 3rd and 4th respondents at the time of their admission.

For Petitioners : Mr. E.Manoharan

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

ORDER

The petitioners in this writ petition had joined in Super Specialty Course and completed the same in September 2020. At the time of joining the course, they submitted their original certificates relating to the UG Degree. That apart, as required by the respondents, the petitioners also had executed a bond stating that (or) undertaking that, these petitioners, after completion of their Super Specialty course would work for Government Hospitals / Institutions as the respondents desire for a period a period of two years, which is otherwise called bond period.

2.After completion of course, though the petitioners had waited for getting the job or engagement, the respondents have not come forward to



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utilize the services of the petitioners in any Government institutions or hospitals and to that effect no orders of appointment or engagement had been made or passed by the respondents.

3. In the meanwhile, the petitioners wanted to explore the possibility of joining in any other hospital or institution for their livelihood, for which the original certificates which are held back by the respondents which were given by these petitioners at the time of joining in the Super Specialty Course in the respective institutions / hospitals, are required.

5. Heard the learned counsel for the petitioner who would submit that, since the bond period is already over, the petitioners are eligible to get their certificates returned back to them. In this regard, the learned counsel seeks the indulgence of this Court.

6. Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents, on instructions would submit that, it is an admitted case that the petitioners have completed their course in September



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2020 and the two years bond period is also over. Hence, the learned Special Government Pleader fairly contended that the petitioners are eligible to get back their certificates.

7. The learned Special Government Pleader would submit that, the issue as to whether these petitioners are entitled to get back the certificates, which they have given at the time of joining in the Super Specialty had already engaged this Court, where number of writ petitions in this regard, this Court having considered the said plea raised by the respective petitioners, of course by following the Division Bench Judgment in this regard, had disposed of those writ petitions, where a set of directions have been given.

8. One such batch of writ petitions, according to the learned Special Government Pleader, was disposed of on 17.10.2022 in the matter of in **W.P.No.26461 of 2022 etc.** batch in the matter of **P.Ruba Devi Vs. The State of Tamil Nadu**, where this Hon'ble Court, according to the learned Special Government Pleader, has given a set of directions in Para 23 of the



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said order, wherein Clause (iii) of the direction in Para 23 would be squarely applicable to the facts of the present case also. Therefore, if such kind of direction is given in these cases also, that would suffice to meet the ends of justice he contended.

9. I have considered the submissions made by the learned counsel for both sides and perused the materials placed on record.

10. As has been rightly pointed out by the learned Special Government Pleader appearing for the respondents, the issue raised in this writ petition has already been decided in number of cases and in the said case viz., **P.Ruba Devi Vs. The State of Tamil Nadu (W.P.No.26461 of 2022 etc., batch of cases)** dated 17.10.2022, this Court has passed the following order.

“ 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



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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



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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.

(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



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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.”

11. Various situations, depending upon the bond period, whether it is over or yet to be over were taken into account and accordingly a set of directions were given in the said batch of cases. However, insofar as this writ petitioner petition is concerned, admittedly the bond period over. Therefore, as rightly pointed out by the learned Special Government Pleader that the said order cited supra would be squarely applicable to the facts of the present writ petition.



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12. Accordingly, this Court feels that this writ petition also can be disposed of in the aforesaid terms. Hence, this writ petition is disposed of with the following order.

“Since the bond period is over, within the bond period no regular duty has been given or posting or appointments are given, these petitioners in this writ petition are free to get their certificates and the certificates belong to them shall be returned back by the respondents without any further conditions.”

13. With the above observations and directions, this Writ Petition is disposed of. No costs.

02.12.2022

Index : Yes/No
Internet : Yes/No

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of Tamil Nadu, Health and Family Welfare
Department, Secretariat, Chennai 600 009.

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