



W.P.No.32649, 32760, 32799
32803, 32653 & 32655 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.32649, 32760, 32799, 32803, 32653 & 32655 of 2022

and

W.M.P.Nos.32195, 32197, 32052, 32154 of 2022

W.P.No.32649 of 2022

D.Dharan Munuswamy

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.

2.Directorate of Medical Education,
Represented by the Deputy Director
of Medical Education,
Kilpauk, Chennai – 600010.

3.The Dean, Kilpauk Medical College,
822, Poonamallee High Road,
Near Ega Theatre, Kilpauk,
Chennai – 600010.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents 1 and 2 to



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return the original certificates of the petitioner retained by the 3rd respondent regarding the Post Graduation Courses of the petitioner by getting an undertaking that to the effect that he will perform the bond service after the completion of the Super Speciality course to be undergone by the petitioner.

For Petitioners : Mr.K.R.Laxman in W.P.Nos.32649, 32799,
32655, 32803, 32653 of 2022

Mr.I.Calvin Jones in W.P.No.32760 of 2022

For Respondents : Mr.T.Seenivasan

Special Government Pleader for R1 to R3

& R5 in W.P.No.32760 of 2022 and

R1 to R3 in W.P.Nos.32649, 32799, 32655,
32803, 32653 of 2022

Ms.Shubaranjani Ananth

Standing Counsel for R4

COMMON ORDER

The petitioners are all post graduates and super speciality degree holders in Medicine. All of them have executed bonds, while securing admission in the respective courses, agreeing to serve the Government of Tamil Nadu for a period of two years after completion.



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2.While the petitioners in W.P.Nos.32655, 32803 & 32799 of 2022 have completed their super speciality courses in August 2021, the petitioners in W.P.Nos.32649 & 32653 of 2022 have completed their post graduation in May, 2022. The petitioner in W.P.No.32760 of 2022 has completed her post graduation in May, 2021.

3.The grievance of the petitioners is that apart from taking bond, the Government is also withholding their original certificates, thereby making it impossible for them to work elsewhere. Being Doctors holding super speciality degrees and post graduate degrees, forcing them to be idle, in my opinion, is a crime. It is high time that the Government evolves a system to accommodate these Doctors, who are obliged to serve the Government on bond immediately after completion of their respective courses. I do not think, it will be difficult for the Government to devise such procedure by which these Graduates, who are under an obligation to serve the Government under the bond in Government service.



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4.A peculiar situation had arisen with reference to petitioners in W.P.No.32649 & 32653 of 2022 wherein, they have been successful in securing a seat in super speciality courses conducted by the National Board of Examination in Medical Sciences. Because of the retention of original certificates by the Government, these two petitioners are unable to join the said courses.

5.In so far as the petitioner in W.P.No.32760 of 2022, she has finished her post graduation in May, 2021, almost 19 months have gone by. Even if she is called upon by the Government today, it can be only for five months. I am alive to the fact that the Government spends a lot of money in medical education particularly, in post graduate education, on the students. While justifying the action of the Government in obtaining the bond, retention of certificates and preventing these post graduates from working in other Hospitals for two year period without giving them an employment is avoidable.



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6.Be that as it may. The question as to the right of the Government to retain the certificates of these medical graduates is no longer res-integra. This Court has on several occasions reiterated that retention of certificates is incorrect. A Division Bench of this Court had an occasion to consider the question in W.A.No.799 of 2021 dated 06.10.2022. In W.P.No.26461 of 2022, this Court had reiterated the above decision and observed 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



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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.”

7. In view of the above, these Writ Petitions are disposed of with the following directions:-

i) the petitioner in W.P.Nos.32655, 32803, 32799 & 32760 of 2022 are entitled to get their original certificates produced at the time of joining the post graduation or super speciality courses as well as the certificates for the post graduation or the super speciality courses as the case may be, upon executing the undertaking that they will make themselves



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available as and when required by the Government to complete the service for the remaining bond period.

ii) In so far as the petitioners in W.P.Nos.32649 & 32653 of 2022 are concerned, they will file an affidavit of undertaking, agreeing to serve the Government for remaining bond period after completion of the super speciality course and they shall also inform the Government as and when they complete the super speciality courses.

iii) Upon receipt of the affidavits as above, the certificates shall be returned to them forthwith. The petitioners shall provide the permanent address and their current address in the affidavits filed by them.

8. These Writ Petitions are disposed of with the above directions.

No costs. Consequently, connected miscellaneous petitions are closed.

07.12.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To:-

1. The Principal Secretary,
State of Tamil Nadu,
Health and Family Department,
Secretariat, Chennai – 600 009.
2. Directorate of Medical Education,
Represented by the Deputy Director
of Medical Education,
Kilpauk, Chennai – 600010.
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R.SUBRAMANIAN, J.

KKN

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and
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