



WEB COPY

W.P.No.33904 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

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THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.33904 of 2022
and
W.M.P.Nos.33396 & 33398 of 2022

Dr.Roshan B Varghese

... Petitioner

Versus

- 1.The State of Tamil Nadu
Represented by its Secretary,
Health and Family Welfare Department,
Fort. St.George, Chennai.
 - 2.The Director of Medical Education,
Represented by its Deputy Director of Medical Education,
Kilpauk, Chennai-10.
 - 3.Kanyakumari Medical College,
Represented by its Dean, Administrative Block,
Kanyakumari Government
Medical College, Tamil Nadu-629201.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to consider and dispose of the petitioner's representation dated 08.12.2022 and further direct the 2nd respondent to issue a No Objection to enable the petitioner to join the Central Government posting as an Additional Divisional Medical Officer as per the revival of offer of appointment



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issue to the petitioner vide letter dated 23.11.2022 bearing No.2020/E(GR)II/19/1, and consequently, direct the 2nd and 3rd respondent to return the original Post Graduation completion certificate of the petitioner herein.

For Petitioner : Mr.Anirudh A Sriram

For R1 & R2 : Mr.P.Rajarajeswari,
Government Advocate

ORDER

The writ petitioner has no bonafide in filing the present Writ Petition.

2. Writ Petition has been filed ostensibly seeking a relief to consider a particular representation dated 08.12.2022 given by the petitioner and to direct the 2nd respondent, the Director of Medical Education to issue “No Objection Certificate” to enable the petitioner to join the Central Government posting as Additional Divisional Medical Officer.

3. The petitioner, in the affidavit had stated that he had graduated MBBS in Government Medical College at Thrissur in the year 2017 and had joined MD General Medicine in Kanyakumari Government Medical



College and had obtained his post-graduation in April 2022. He had also executed a bond. A condition in that bond was that he had agreed to serve the Government of Tamil Nadu for a period of not less than two years after completion of the post-graduate course.

4. The respondent had issued an e-mail, directing the petitioner to comply with the bond service and asked him to appear for on-line counseling for appointment which was conducted for non-service post-graduate on 20.06.2022 as per reference No.32528/MEII/1/2021, dated 14.06.2022 and again on 30.08.2022 with respect to the reference No.073304/MEII/1/2022, dated 26.08.2022.

5. The petitioner had not responded to the e-mails. If the petitioner had any bonafide, he would have responded to the electronic mails issued to him and would have stated that he had obtained posting in All India Service. However, the condition of the bond has to be honoured by him.

6. The learned counsel for the petitioner had place reliance on a Judgment of a learned Single Judge, dated 01.12.2022 in ***W.P.No.32366 / 2022 in Dr.S.R.Shoba vs. State of Tamil Nadu***. It is stated that the facts



therein are the same and that the respondents cannot retain the certificates of the petitioner.

7. The petitioner had not disclosed that electronic mails had been sent to him offering service. That is suppression of material facts. The petitioner has to join service in accordance with the bond since he had been offered service. Once offer has been made, it is for the petitioner to accept such offer in accordance with the bond.

8. The Writ Petition lacks bonafide. The same is liable to be dismissed.

9. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

19.12.2022

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Index : Yes/No

Internet : Yes/No

To:



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C. V. KARTHIKEYAN, J.



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