



W.P.(MD).No.22113 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.22113 of 2022

Dr.Mariya Sini V.Panackal

... Petitioner

vs.

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

2.The Director of Medical Education,
DME Office,
156, Poonamallee High Road,
Chetpet,
Chennai 600 031.

3.The Dean,
Theni Medical College,
Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to release/return the original certificates of the petitioner, which is retained by the third respondent during the post graduation course of MD General Medicine and original degree certificate along



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with the provisional certificate to the petitioners, based on the representation of the petitioner, dated 03.09.2022.

For Petitioner : Mr.S.Ramsundarvijayraj
For R1 to R3 : Mr.V.OM.Prakash
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to release /return the original certificates of the petitioner, which is retained by the third respondent during the post graduation course of MD General Medicine and original degree certificate along with the provisional certificate to the petitioners, based on the representation of the petitioner, dated 03.09.2022.

2. The case of the petitioner is that she has completed MBBS degree in the Government Medical College, Trivandrum in the year 2011 – 2017 and in the year 2019, after passing in the NEET Exam, she got admitted MD in the Department of General Medicine in Theni Medical College and Hospital. At the time of admission in the third respondent College, the third respondent have got a bond by obtaining original certificates including 12th Mark Sheet, MBBS Degree Certificate, MBBS



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Mark Sheet, MBBS Registration Certificate, MBBS CRRI Completion Certificate, Conduct Certificate, TC from Previous College and Allotment Order. She has completed MD in the year of May 2022 and as a Post Graduate Doctor, she had worked during the Critical Covid period. She is preparing for the examination of the super speciality course of NEET, which is scheduled on 2nd September and expecting result before 15th September. After completion of MD in the third respondent College, the third respondent is still holding her original certificates and restraining the petitioner from pursuing the further course of super speciality studies. Hence, she has made a representation dated 03.09.2022, to the respondents seeking return of the original certificates. Even after receiving the said representation, the third respondent has not acted upon the same. Therefore, the present writ petition has been filed.

3. The Director of Medical Education (OSD), Government Theni Medical College, Theni, the third respondent herein has filed a counter, wherein it has been stated that the Director of Medical Education need not insist upon bank guarantee and send the certificate of such candidates (who are going to join in Government Medical Institutions within the State) to the institution to which the candidates are going to join and to



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ensure that the students pursuing Post Graduate and Super Speciality are not forced to obtain a bank guarantee. Instead, a simple undertaking may be obtained that on completion of the Super Speciality Course/Post Graduate Course, the respective conditions of agreeing to serve in the State, as the case may be, depending on the availability of the vacancies within the time frame may be obtained. The Super Speciality Course result for the academic year (2022-2023) has been published and the selected candidates were allotted college and the reporting date is expected from 28.11.2022. If the candidate approaches with allotment order, they are ready to issue the certificate, based on the G.O.Ms.No. 185, Health and Family Welfare Department, dated 13.04.2020.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

5. Considering the above facts, this Court directs the petitioner to give an undertaking and bank guarantee to the third respondent and on receipt of the same, the third respondent is directed to consider the petitioner's representation 03.09.2022 and pass appropriate orders, on merits and in accordance with law.



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6. With the above direction, this Writ Petition is disposed of. No costs.

01.12.2022

akv

To

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Government of Tamil Nadu,
Health and Family Welfare Department,
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Chennai 600 009.
- 2.The Director of Medical Education,
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V.BHAVANI SUBBAROYAN,J.

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