



W.P.(MD).No.23700 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

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Dr.L.Nishanth

... 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,
Thanjavur Medical College,
Thanjavur.

... 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 petitioner, based on the representation of the petitioner, dated 24.09.2022.

For Petitioner : Mr.S.Ramsundarvijayraj
For R1 to R3 : Mr.S.Kameswaran
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 petitioner, based on the representation of the petitioner, dated 24.09.2022.

2. The case of the petitioner is that he has completed his MBBS degree in the Madras Medical College, Chennai in the year of 2018 and in the year 2019, after passing in the NEET Exam, he got admitted MD in the Department of General Medicine in Thanjavur Medical College, Thanjavur. At the time of admission in the third respondent College, the third respondent have got a bond by obtaining original certificates



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including 12th Mark Sheet, MBBS Degree Certificate, MBBS Mark Sheet, MBBS Registration Certificate, MBBS CRRI Completion Certificate, Conduct Certificate, Community Certificate, TC from Previous College and Allotment Order. He has completed MD in the year of May 2022 and as a Post Graduate Doctor, she had worked during the Critical Covid period. Now, he has written the examination for the Super Speciality Course of NEET. After completion of MD in the college of the third respondent, the third respondent is still holding her original certificates. Hence, he has made a representation dated 24.09.2022, 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 Dean, Thanjavur Medical College, Thanjavur has filed a counter stating that the petitioner had completed his post graduation in May 2022 and he had received the posting order on 10.07.2022, then only he had received the result of the Super Speciality Course of NEET ie., on 15.09.2022. The petitioner had deliberately not joined to service of bond period and he had suppressed the fact about the receipt of his posting order.



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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 24.09.2022 and pass appropriate orders, on merits and in accordance with law.

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

01.12.2022

akv

To

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

2.The Director of Medical Education,
DME Office, 156, Poonamallee High Road,
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3. The Dean,
Thanjavur Medical College,
Thanjavur.



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V.BHAVANI SUBBAROYAN,J.

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