



W.P.(MD)No.24272 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.24272 of 2022

E.Krithikaa

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai-600 009.
- 2.The Directorate of Medical Education,
Represented by its Director,
Kilpauk, Chennai-600 010.
- 3.The Vice Chancellor,
Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai Road, Guindy,
Chennai.
- 4.The Dean,
Thanjavur Medical College,
Thanjavur,
Thanjavur District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the fourth respondent herein to return the Under Graduation and Post-Graduation Education Certificates of the petitioner based on the representation dated 07.06.2022.



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For Petitioner : Mr.R.Priyanka
For R1 to R4 : Mr.V.Om Prakash
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the fourth respondent to return the Under Graduation and Post-Graduation Education Certificates of the petitioner based on the representation, dated 07.06.2022.

2. The petitioner was admitted in the fourth respondent college for pursuing the course of Master of Surgery (M.S.) in General Surgery. At the time of getting admission in the College, she submitted all his original certificates and executed an indemnity bond that after completion of the Post Graduation Course, she will serve in Government Hospitals for a period of two years and then get the original certificates returned. On completion of the said degree, she was appointed as Assistant Surgeon at Tittagudi Government Hospital on 05.09.2019. At that time, the petitioner begot a female child and due to some postpartum complications, she was on medical leave from 21.03.2020. She joined in Panruti Government Hospital on 26.11.2021. Thereafter, she was on maternity leave for her second child. At that time she

submitted a representation, dated 07.06.2022 seeking to return the original



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documents, which were retained in the fourth respondent college. But the same has not been considered by the fourth respondent. Hence, the petitioner has filed the present writ petition.

3.The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner has been considered and the same has been rejected. The petitioner is bound by the terms of the undertaking voluntarily given at the time of admission. As she did not work in the Government Hospital for a period of two years as per the undertaking given by her at the time of getting admission in the college, her original certificates were not returned. After completing the said period of service in the Government Hospital, the original certificates will be returned to the petitioner.

4. Heard the learned counsel appearing on either side.

5. Admittedly, as per the bond that was executed by the petitioner at the time of admission, the petitioner has to work in the Government services for a period of two years. But the petitioner has not completed the same, as she was on maternity leave at that time and hence, the original certificates of the petitioner has been withheld by the respondent College. The petitioner had



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only completed 12 months of service in the Thittagudi Medical College and 12 more months of service is remaining to be completed as per the undertaking.

6. In view of the above, the petitioner is directed to complete the remaining twelve months period of service in any one of the Government Hospitals, in which she is given with appointment. The Authorities concerned are directed to give an order of appointment to the petitioner in this regard.

7. With the above observations, this writ petition is dismissed. No costs.

28.11.2022

Index : Yes/No
Internet : Yes/No
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To

- 1.The Principal Secretary,
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Represented by its Director,
Kilpauk, Chennai-600 010.
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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