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W.P.No.1787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.1787 of 2023

Dr.Evanisha

...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 Director of Medical Education,
Kilpauk, Chennai - 600 010.
 3. Chengalpattu Medical College,
Represented by its Dean,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
 4. The State of Meghalaya,
Represented by its Secretary,
Health and Family Welfare Department,
Shillong, Meghalaya.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to return the original certificates of the petitioner collected by the 3rd respondent at the time of her admission.

For Petitioner : Mr.E.Manoharan



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For Respondents : Mr.P.Sathish, AGP, for R1 to R3

ORDER

This Writ petition has been filed seeking direction to the respondents to return the petitioner's original certificates collected by the 3rd respondent at the time of her admission.

2. The case of the petitioner is that, the petitioner is a qualified Doctor who had pursued her Post Graduate Degree in the 3rd respondent college during the academic year 2017 to 2019 and at the time of admission, the petitioner being a non-service candidate, as per the Prospectus, signed a bond for a sum of Rs.40,00,000/- with the undertaking that she would serve the Government of Tamil Nadu for a period not less than 2 years and also submitted her original documents and certificates to the 3rd respondent as compulsory pre-condition to secure admission in the said college. The petitioner completed her PG during May 2019 and the Bond period began from June 2019 and ended in May 2021. While so, the petitioner received the posting order only between February-March 2020, which is almost a year since the Bond period began. However, as the petitioner was working for the State of Meghalaya, she was not able to join the above said post, in



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terms of the bond executed by her. Further, it is pertinent to note that, though, the bond period has ended by May 2021 itself, till date, the 3rd respondent college has not returned the original documents and certificates of the petitioner submitted at the time of admission. Therefore, the petitioner made a representation before the 2nd respondent along with the letter of the 4th respondent dated 22.09.2022, requesting to return the original certificates to the petitioner, which evoked no response. Thereby, the petitioner sent another letter to the 2nd respondent along with the letter of the 4th respondent dated 31.10.2022, stating that there is a shortage in specialist doctors in the State of Meghalaya and subsequently, requested to return the original certificates to the petitioner, enabling the petitioner to execute bond with the Meghalaya. However, till date, no orders have been passed. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, though the petitioner completed her PG during May 2021, even after completion of the course, for about nine months, the petitioner has not received any posting order and was not provided with any employment by the State of Tamil Nadu. Therefore, in order to eke out her livelihood, the petitioner chose to



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serve the Government of Meghalaya as a Medical and Health officer, since there was a shortage of doctors to cater to the medical needs of the State.

While such being the case, retaining the original documents of the petitioner is causing serious difficulties in executing bond with Meghalaya. Hence, he submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representations and the letters of the 4th respondent dated 22.09.2022 and 31.10.2022 respectively and release the petitioner's original documents and certificates as expeditiously as possible.

4. Learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that, the petitioner's representations will be considered and appropriate reply will be sent for the letters of the 4th respondent within the time stipulated by this Court.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the letters of the 4th respondent dated 22.09.2022 & 31.10.2022 respectively and send appropriate reply to the 4th respondent within a period of two



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weeks from the date of receipt of a copy of this order. Further, the petitioner is at liberty to workout the remedy in the manner to law, subject to the reply of the 2nd respondent.

7. With the aforesaid directions, this Writ petition stands disposed of.

No costs.

19.06.2023
(1/2)

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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 Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. Chengalpattu Medical College,
Represented by its Dean,

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4. The State of Meghalaya,
Represented by its Secretary,
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M.DHANDAPANI., J.

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