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W.P.No.1790 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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

W.P.No.1790 of 2023

Dr.Jocylyne V Paswett

...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. Madras Medical College,
Represented by its Dean,
Poonamalle High Road, Park Town,
Chennai – 600 003.
 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 2016 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 on 10.04.2021, which is just over a month before the end of the Bond period. However, as the petitioner was working for the State of Meghalaya, she was not able to join the above said post, in terms of the



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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 dated 10.09.2022 before the 2nd respondent along with the letter of the 4th respondent dated 29.08.2022, requesting to return the original certificates to the petitioner. 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 2 years, the petitioner has not received any posting order and was not provided with any employment by the State of Tamil Nadu and she was issued with posting order only on 24.12.2020, however the same was received by the petitioner only on 10.04.2021, which is just over a month before the end of the Bond period. In the mean while, in order to eke out her livelihood, the petitioner chose to 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,



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retaining the original documents of the petitioner is causing serious difficulties in executing bond with Meghalaya and further, directing the petitioner to come down to Tamil Nadu in order to complete her bond period which is for only one month will cause her serious hardships. Hence, he submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 10.09.2022 and the letter of the 4th respondent dated 29.08.2022 and consequently, 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 representation will be considered and appropriate reply will be sent for the letter of the 4th respondent dated 29.08.2022 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 letter of the 4th respondent dated 29.08.2022 and send appropriate reply



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to the 4th respondent within a period of two 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

skt

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

To

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2. Directorate of Medical Education,
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Poonamalle High Road, Park Town,

5/7



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

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