



W.P.No.3392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3392 of 2023

and W.M.P.No.3464 of 2023

Dr.B.Cindhuu

. . . Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Fort St George, Chennai-600009.

2. The Director of Medical Education,
Kilpauk, Chennai-600010.

3. The Dean,
Madras Medical College,
Poonamallee High Road,
Park town Chennai-600003.

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondent authorities to return all original certificates of the petitioner that were submitted by her at the time of her admission to Post Graduate Degree of Diploma in Medical Radiotherapy (DMRT) course during May 2018 in the 3rd Respondent college, within a time period stipulated by this Hon'ble Court.



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For Petitioner : M/s.S.Shanmitha
For Respondents : Mr.Alagu Goutham,
Government Advocate

ORDER

This Writ Petition has been filed for a direction to the respondents 2 & 3 to return all original certificates to the petitioner which was submitted by her at the time of admission to Post Graduate Degree of Diploma in Medical Radiotherapy course.

2. It is the case of the petitioner that she completed Post Graduate degree in Medical Radiotherapy in the 3rd respondent College in May 2020. At the time of admission, the petitioner submitted her original certificates to the 3rd respondent and executed a bond for a sum of Rs.20,00,000/- with an undertaking that, after the completion of the said Course, the petitioner would serve the Government of Tamil Nadu for a period of two years. After the completion of the said course, she served for a period of eight months on temporary basis and thereafter, she was relieved



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from services and thereafter, her services were not extended. Since the bond period was completed in the month of May 2022, the petitioner made a representation before the respondents on 12.01.2023 seeking return of original documents submitted by her at the time of admission. However, the said representation did not evoke any response. Hence, the petitioner is before this Court.

3. Learned counsel for the petitioner submits that, similarly placed persons have approached this Court seeking for return of bond executed by filing a Writ Appeal in W.A.No.799 of 2019 in the case of ***State of Tamil Nadu Vs. P.S.Sairam & Ors*** wherein, this Court by its order dated 06.10.2020 has held that the bond along with certificates must be returned to the candidates, once the state has failed to provide any employment within a period of two years from the date of passing out as per the terms and conditions of the bond. Hence, similar relief may be extended to the petitioner herein as well.



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4. Learned Government Advocate appearing for the respondents

submitted that though the petitioner was called upon to participate in the counselling to be conducted for the purpose of providing employment, she did not turn up for the same. Further, the petitioner has only served for a period of eight months and she has to complete balance period of bond. Without serving the balance bond period, the petitioner cannot claim for return of original documents. Hence, the prayer sought for in this Writ Petition cannot be granted.

5. Though the learned Government Advocate appearing on behalf of the respondents claims that the petitioner was called upon for counselling, however, no materials have been placed before this Court to substantiate the same. It is the case of the petitioner that she served temporarily for eight months and thereafter the period was not extended and the bond period has also come to an end. In such circumstances, the decision in W.A.No.799 of 2019 is squarely attracted to the case of the petitioner. Therefore, this Court directs the respondents 2 & 3 herein to return the original certificates to the petitioner, which were submitted by her at the time of admission to the Post Graduate Degree in Medical Radiotherapy, within a period of four (4) weeks



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from the date of receipt of a copy of this order.

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6. With the above direction, the Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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Index : Yes / No

Internet : Yes / No

NHS

To

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M.DHANDAPANI, J



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