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W.P.No.3760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.3760 of 2023

Dr.Vinayak M.

... Petitioner

versus

1.The State of Tamil Nadu,
rep. By its Principal Secretary
Health and Family Department
Secretariat, Chennai - 600 009.

2.Directorate of Medical Education
Rep.by the Director of Medical Education
Kilpauk, Chennai - 600 010.

3.Directorate of Public Health and Preventive Medicine
Rep. by Director of Public Health and Preventive Medicine
359, Anna Salai, Chennai - 600 006.

4.Kilpauk Medical College
Rep.by its Dean
Kilpauk, Chennai - 600 003.

5.Tamil Nadu Government Multi Super Specialty Hospital
Rep. by its Director
Omandurar Government Estate
Anna Salai, Chennai - 600 002.

6.National Medical Commission
Rep. by its Secretary
Pocket 14, Sector -8, Dwarka Phase I
New Delhi - 110 077.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the 5th respondent to relieve the petitioner from the bonded service in the 5th respondent institution and further direct the 4th Respondent to return the Petitioner's original certificates/documents along with his Super Specialty Degree Certificate.

For the Petitioner : Ms.Amritha Sathyajith
for Suhrith Parthasarathy

For the Respondents : Mr.T.Seenivasan,
Special Government Pleader,
for the first respondent

Ms.Shubaranjani Ananth,
for sixth respondent

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction to the fifth respondent, to relieve the petitioner from the bonded service in the said institution and direct the fourth respondent, Kilpauk Medical College to return the original certificates of the petitioner along with the Super Specialty Degree Certificate.

2. The petitioner, Dr. Vinayak, had completed MBBS and post graduation and had secured admission to a D.M. Seat in Nephrology in the fourth respondent college in the academic year 2017-2018.



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Original documents including education certificate had been handed over to the fourth respondent. The petitioner had also executed a bond for a sum of Rs.2 /- crores. He also completed Super Specialty course in August,2020. He also attended the Covid duty in the fourth respondent college between 20.08.2020 and 10.12.2020. He was then issued a posting order on 06.09.2021 appointing him as Assistant Surgeon in the fifth respondent institution. It had been stated that he had not been relieved from the bonded service. It is under these circumstances, the writ petition has been filed.

3. A perusal of the dates given show that the petitioner had actually done Covid duty from 20.08.2020 till 10.12.2021. He had then been appointed as Assistant Surgeon in the fifth respondent institution on 14.09.2021. While taking into consideration the Covid-19 and the period for which he had been working as Assistant Surgeon in the fifth respondent, it is seen that he has completed the two years of bonded duty. It is stated that though the petitioner had completed the course in the year 2020, he was offered service only in the year 2021 and therefore he could not be faulted for shortage of two months. The petitioner had been diligent. He had done Covid duty. He had also joined as Assistant Surgeon under directions. He had



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discharged his duty as Assistant Surgeon. He had also waited till he was so posted. All these aspects show that the petitioner had complied with the directions.

4. A direction is issued that, if the petitioner has otherwise complied with the rules and regulations, to return the medical certificates within a period of three weeks from the date of receipt of a copy of this order.

5. The writ petitioner may give an undertaking that the bonded services will be completed in entirety but the certificates will be returned on such undertaking back to the petitioner.

6. The writ petition stands disposed of. No costs. Consequently, WMP No.3839 of 2023 is closed.

28.02.2023

Index: Yes/no
mrn



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To

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2.Director of Medical Education
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Kilpauk, Chennai - 600 010.

3.The Director of Public Health and Preventive Medicine
Directorate of Public Health and Preventive Medicine
359, Anna Salai, Chennai - 600 006.

4.The Dean
Kilpauk Medical College
Kilpauk, Chennai - 600 003.

5.The Director
Tamil Nadu Government Multi Super Specialty Hospital
Omandurar Government Estate
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C.V.KARTHIKEYAN, J.
(mrn)

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