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W.P.Nos.5742, 6331 and 6334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5742, 6331 and 6334 of 2023

And

W.M.P.Nos.5741, 6367 and 6372 of 2023

Dr.V.Naveen Kumar ... Petitioner in W.P.5742/2023
Dr.G.Divyadarshini ... Petitioner in W.P.6331/2023
Dr.Silvin Sofhia Mary ... Petitioner in W.P.6334/2023

Vs.

- 1.The State of Tamil Nadu,
Represented by the Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai – 600 009.
- 2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk,
Chennai – 600 010. ... Respondents in all the W.Ps.
- 3.Madras Medical College
Represented by its Dean,
Chennai – 600 003. ... Respondent in W.Ps.5742 & 6331/2023
- 3.Thanjavur Medical College
Represented by its Dean,
Thanjavur – 613 004. ... Respondent in W.P.6334/2023

Prayer in W.P.No.5742 of 2023:

Petition filed under Article 226 of the Constitution of India to issue



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a Writ of Mandamus directing the respondents 1 and 2 to direct the third respondent to return the (1) Original UG Certificate, (2) Original PG Mark Sheet, (3) Original PG Degree Certificate and all other original documents submitted by the petitioner at the time of his admission along with Experience Certificate for the service rendered as per the Bond period.

Prayer in W.P.No.6331 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to direct the respondent no.3 to return all the (1) Original UG Certificates, (2) Original PG Provisional, (3) Original PG Mark Sheets, (4) Original PG Diploma in Obstetrics and Gynaecology Certificate and all other original documents submitted by the petitioner retained by the third respondent during the Post Graduation Course of the Petitioner who completed on May, 2020 itself along with experience certificate for the service rendered as per the Bond.

Prayer in W.P.No.6334 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to direct the respondent no.3 to return all the (1) Original UG Certificate, (2) Original PG Provisional, (3) Original PG Mark Sheets, (4) Original PG Degree Certificates and all other original documents submitted by the petitioner retained by the third respondent during the Post Graduation Course of the Petitioner.



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For Petitioners : Mr.P.Gnana Sekaran
For Respondents : Mr.P.Sathish
Additional Government Pleader

COMMON ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to direct the respective third respondent to return all the original documents submitted by the petitioners, to the petitioners.

2.Since the issue involved in all these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

3.The case of the petitioners is that the petitioners are qualified Doctors and at the time of admission to their Post Graduate Degree/ Diploma Courses in Tamil Nadu Government Medical Colleges, as per the prospectus, they were required to sign a bond for a sum of Rs.40,00,000/- with an undertaking that they should serve the Government of Tamil Nadu for a period not less than two years, immediately after completion of the course and in addition they were required to submit all their original certificates along with the medical



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certificates to the respective third respondent College. However, after completion of their Course, they were not given posting as per the Bond and their original certificates were also retained by the respective third respondent College. Hence, these writ petitions.

4.The learned counsel appearing for the petitioners submitted that the petitioners successfully completed their Course, however, they were given posting order only after 1-1/2 years of completion of their course and their original certificates were also retained by the respective third respondent College, due to which, they were unable to participate in the fellowship. Hence, this Court may issue direction to the respective third respondent College to return all the original documents submitted by the petitioners, to the petitioners.

5.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that Dr.V.Naveen Kumar/ Petitioner in W.P.No.5742 of 2023 has to serve balance period of one month and twenty five days; Dr.G.Divyadarshini/ Petitioner in W.P.No.6331 of 2023 has to serve balance period of two months and five days and Dr.Silvin Sofhia Mary/ Petitioner in W.P.No.6334 of 2023 has to serve balance period of two months and unless the



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petitioners complete the balance service period they are not entitled for return of their original documents.

6.In response, the learned counsel appearing for the petitioners submitted that the petitioners are ready to serve the balance period of their service, however, the original documents submitted by them are very much required for them to participate in the fellowship.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Admittedly, the petitioners were given appointment orders only after 1-1/2 years of completion of their course and they have also rendered considerable period of service and the original documents submitted by them are very much required for them to participate in the fellowship. Hence, this Court direct the respondents to return all the original documents submitted by the petitioners, to the petitioners, within a period of two weeks from the date of receipt of a copy of this order, after obtaining an undertaking from the petitioners that they will serve the balance period of service. The petitioners are directed to complete the balance period of their service as indicated above.



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9. With the above observations and directions, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

01.06.2023

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Note: Issue order copy on 02.06.2023.

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
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,
Chennai – 600 003.
4. Thanjavur Medical College
Represented by its Dean,
Thanjavur – 613 004.

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M.DHANDAPANI,J.
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