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W.P.No.11553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.11553 of 2023

Kayalvizhi.J

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk,
Chennai – 600 010.

3.The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai,
Guindy,
Chennai – 600 032.

4.The Dean,
Kilpauk Medical College,
Chennai – 600 010.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd and 4th respondents to return the original certificates of the petitioner that were submitted by her at the time of her admission to the DM Gastroenterology Super Specialty Course on 2014.

For Petitioner : Mr.Dinuprashanth.S

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents 2 and 4 to return the original certificates of the petitioner that were submitted by her at the time of her admission to the DM Gastroenterology Super Specialty Course on 18.07.2014.

2. The case of the petitioner is that she completed M.B.B.S. Course during the year 2005 and thereafter, pursued her P.G. Degree in 2007 and successfully completed the same in 2010 and got selected to pursue her Super Specialty Degree in the fourth respondent institution on 18.07.2014 for DM Gastroenterology course, which she has completed in



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the year 2017. Further, the petitioner completed examination in the year 2017 and was issued with a provisional certificate on 03.10.2017. However, she was not offered a place in the Government Hospital for completing two year stint post. It is the further case of the petitioner that it is a common practice that graduates ought to serve the Government for a period of two years and it is the duty of the Government to give the petitioner an opportunity, which the petitioner has not been provided. 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* and 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 employment. Though the petitioner has made several representations before the respondents 3 and 4 for return of the original certificates and bond submitted by the petitioner, till date, no action has been taken by the said respondents. Hence, the petitioner filed the above writ petition before this Court for return of original certificates and bond.



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3. Though very many grounds have been raised in the above writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the respondents 2 and 4 to return the original certificates of the petitioner that were submitted by her at the time of her admission to the DM Gastroenterology Super Speciality Course on 18.07.2014, within a time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents fairly submitted that the original certificates will be returned to the petitioner after satisfaction of the norms.

5. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the respondents 2 and 4 to return the original certificates to the petitioner, which are submitted by her at the time of admission to the DM Gastroenterology Super Speciality Course, if she is otherwise eligible, within a period of four (4) weeks 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. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Principal Secretary,
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Chennai – 600 009.
- 2.The Deputy Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai – 600 010.
- 3.The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
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