



W.P.No.13170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

W.P.No.13170 of 2023

and

WMP.No.12917 of 2023

Dr.N.Prakash

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. 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. Tirunelveli Medical College,
Rep. by its Dean,
Tirunelveli - 627 011.

...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 his admission.

For Petitioner : Mr.N.Nagathan



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For Respondents : Mr.M.Alagu Goutham, GA

ORDER

This Writ petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to return the original certificates of the petitioner collected by the 3rd respondent at the time of admission.

2. Mr.M.Alagu Goutham, learned Government Advocate takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is a qualified doctor and had obtained his Post Graduate Degree (M.S. General Surgery) from the 3rd respondent college during the academic year 2017-2020 and the petitioner had submitted the original documents and certificates to the 3rd respondent college in order to secure admission. The petitioner completed his PG in May 2020 and served as Covid-19 Medical Officer for a period of six months. Despite the above said facts, the petitioner was neither issued



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with posting orders to serve in Government of Tamil Nadu for a period of two years as per the bond nor the necessary order for return of Original certificate, due to which, the petitioner was put to huge loss and was unable to apply/secure job elsewhere. In the mean time, the similarly situated persons, approached this Court by way of filing Writ petition in W.P.No.28526 of 2021 and direction was issued to the respondents therein to either issue posting order within six weeks or in the alternative release the original certificates. Pursuant to the order of this Court, the 2nd respondent issued a direction dated 21.04.2022 for release of the Original Certificates of the candidate and in view of the above said direction, the Writ appeal in W.A.No.1182 of 2022 was disposed of with a direction to issue the Original Certificates within 15 days from the date of production of the order. Further, in the similar cases, this Court vide orders dated 10.05.2022 and 13.05.2022 made in WP(MD).No.9821 of 2022 and WP.No. 12541 of 2022 respectively, issued direction to the respondents to return the original certificates of the petitioners therein within a period of 15 days from the date of receipt of a copy of the order. While so, despite the above said direction of the 2nd respondent dated 21.04.2022 and the orders of this Court made in various Writ petitions, till date, the respondents have not returned the



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Original Certificates of the petitioner. Hence, this Writ petition.

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4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to return the original certificates of the petitioner collected by the 3rd respondent at the time of admission, as expeditiously as possible.

5. Learned Government Advocate appearing for the respondents submitted that the original certificates of the petitioner, which were collected by the 3rd respondent at the time of admission will be returned within a period of two weeks.

6. In view of the fair stand taken by the learned Government Advocate appearing for the respondents, this Court, without expressing any opinion on the merits of the case, directs the respondents to return the original certificates and documents of the petitioner, which were collected by the 3rd respondent at the time of petitioner's admission within a period of two weeks



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

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7. Accordingly, this Writ petition stands disposed with the above direction. No costs. Consequently, connected Miscellaneous petition is closed.

27.04.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The State of Tamil Nadu,
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Health and Family Department Secretariat,
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2. Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. Tirunelveli Medical College,

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Rep. by its Dean,
Tirunelveli - 627 011.



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M.DHANDAPANI., J.

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