



W.P.No.25735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25735 of 2023 &

WMP.No.25161 of 2023

A.Vigneshwaran

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.
2. The Directorate of Public Health and Preventive Medicine,
Anna Salai, Teynampet, Chennai – 600 086.
3. The Director of Medical and Rural Health Services,
Anna Salai, Chennai.
4. Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
5. Government Kilpauk Medical College,
Represented by its Dean,
Poonamallee High Road, Kilpauk, Chennai – 600 010.



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6. Government Hospital Panruti,
Representation by its Chief Medical Officer,
Cuddalore – 607 106.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent authorities to forthwith permit the petitioner to relieve from service by issuing reliving order and return all original certificates of the petitioner that were submitted by him at the time of his admission to Post Graduate Degree Course within a time period stipulated by this Court.

For petitioner : Mr.C.Vidhusan

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This Writ Petition has been filed to direct the respondent authorities to forthwith permit the petitioner to relieve from service by issuing reliving order and return all original certificates of the petitioner that were submitted by him at the time of his admission to Post Graduate Degree Course within a time period stipulated by this Court.



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2. It is the case of the writ petitioner that he joined the Post Graduation Degree Course in Government College in Tamil Nadu in May, 2021 and at the time of admission, he executed a bond with an undertaking to serve the Government of Tamil Nadu for a period of two years and the original certificates of the petitioner were also submitted to the respondent authorities. Thereafter, the petitioner completed his Post Graduation Degree Course in May, 2021. As per the bond, the petitioner is required to work for two years. However, the petitioner was given posting orders only on 10.07.2022. The petitioner joined duty in the sixth respondent hospital through counselling from August 2022, and he have been rendering his service continuously till date.

3. It is the grievance of the petitioner that, though the bond period of two years got completed in the month of May, 2023, i.e., two years from the date of completion of Post Graduate Course and the bond has become infructuous, the petitioner has not been relieved from his duties and his original certificates have not been returned to him. Despite the



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requests made by the petitioner before the respondent authorities on several occasions, nothing fruitful has happened. Hence, the present Writ Petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

5. The learned counsel appearing for the petitioner contended that the writ petitioner has completed his Post Graduate Degree Course in the month of May, 2021. However, immediately after completion of his course, he has not been given appointment and the posting orders have been issued only 10.07.2022. Hence, it is the contention of the learned counsel for the petitioner that, at the most, the petitioner can be compelled to work only till the expiry of the bond period and once the bond period is over, the petitioner cannot be forced to continue to work with the respondents and the petitioner ought to have been relieved from his duties and the petitioner is also entitled for return of his original certificates. In support of his arguments, the learned counsel also relied



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upon a judgment of a Division Bench of this Court in State of Tamil Nadu through its Secretary, Department of Health and Family Welfare and another v. P.S.Sairam and others reported in 2020 SCC Online Mad 2742, wherein the Division Bench of this Court in Para No.102, has held as follows :

“102. Our conclusions, therefore, are :

vi. The period of applicability of the conditions under the bond will be co-terminus with the period of two years from the date a candidate successfully passes out the course, as explained above, and would not continue beyond the same.

vii. The candidates who have not been offered appointment within the period of two years would be entitled to release of his certificates accordingly.”

6. The above dictum makes it clear that the period of applicability of the conditions under the bond will be co-terminus with the period of



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two years from the date a candidate successfully passes out the course and would not continue beyond the same. Similarly, the Division Bench, in Para No.102 of the same judgment, has held that appointment should be given within a period of two years and even if any occupation is taken by the student in the meantime, the student is liable to perform for the period for which he have filled up the bond. The above dictum makes it clear that, if any employment or posting is to be issued by the respondents, it ought to have been issued within a period of two years after the completion of the course. Since the bond will be co-terminus with the period of two years from the date a candidate successfully passes out the course, the respondents ought to have given posting orders immediately after the petitioner completed his course. Whereas, in the case on hand, the posting orders have been issued much later, i.e., after a lapse of 14 months from the date of completion of course by the petitioner. Therefore, this Court is of the view that, at the most, the petitioner can be forced to work only till the expiry of bond period and not beyond that. In such view of the matter, the petitioner is to be relieved from his duties by the respondent authorities.



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7. The learned Government Advocate fairly submitted that the petitioner will be relieved from his duties and his original certificates will be returned to him and necessary orders in this regard will be passed by the respondent authorities within a period of four weeks.

8. Accordingly, the respondent authorities are directed to relieve the petitioner from his duties and return all the original certificates to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ petitions is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No

Neutral Citation : Yes/No

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Anna Salai, Teynampet, Chennai – 600 086.
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N.SATHISH KUMAR, J.

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