



W.P.No.28781 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.10.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.28781 of 2023

and

WMP.Nos.28385, 28387 & 28388 of 2023

Dr.L.Soundara Rajan

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Represented by the Principal Secretary,
Health & 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.Directorate of Public Health and Preventive Medicine
Represented by the Director of Public Health
and Preventive Medicine
359, Anna Salai, Chennai-600 006.
- 4.The Dean,
Madras Medical College,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records of the impugned Show Cause Notice order vide R.No.13024/MES(1)/2021 dated



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02.09.2021 from the 2nd Respondent as against the petitioner and to quash the above impugned Show Cause Notice and also directing the Respondents 1 and 2 to direct the 4th Respondent to Return all the (1) Original UG Certificates, (2)Original PG Degree Mark Sheets, (3)Original M.ch Degree Certificates and other original documents submitted by the Petitioner at the time of his admission.

For Petitioner : Mr.P.Gnana Sekaran

For Respondents : Mr.P.Anantha Kumar
Government Advocate

ORDER

The petitioner has instituted this writ petition challenging show cause notice dated 02.09.2021 issued by the Dean, Madras Medical College/R4. He also seeks a direction to the first and second respondents, being State and Director of Medical Education/R1 and R2 respectively to direct R4 to return the following certificates to the petitioner:

(i) Original UG Certificates

(ii) Original PG Degree Mark Sheets

(iii) Original M.Ch. Degree Certificates and other Original Certificates submitted by the petitioner at the time of his admission.

2.The petitioner has, admittedly, completed his Post Graduation and thereafter his M. Ch., in Surgical Gastroenterology between 2017 and 2020.



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The bond executed by the petitioner contains an undertaking to the effect that he should serve the State for a period of two years. In this case, the period runs between 2020 and 2022.

3.The petitioner has responded to the impugned show cause notice by letter dated 17.09.2021. That communication reveals that he had enrolled for a fellowship even as on that date, which is 17.09.2021.

4.In conclusion the petitioner requests that he be assigned duty as per the bond he has executed. There is no acknowledgment of receipt for this letter. What is relevant is that there has admittedly not been any call for duty by the State to the petitioner thus far, apart from a brief interlude of Covid duty between September and December 2020.

5.Learned counsel for the respondents would acquiesce to the position that the period of bond has expired on 2022.

6.That apart, show cause notice dated 17.09.2021 is, at best vague. The respondents state that till date, the petitioner has not reported for duty and has not joined in Tamil Nadu Medical Service. However, admittedly no posting order was ever sent to the petitioner and in such an event, this Court is unable



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to understand how the petitioner is to report for a duty to which he was never assigned.

7.It is also an admitted position that this petitioner has been called upon and has performed Covid duty during the month of September to December, 2020 and this is the only assignment that was given to him by the State.

8.In such circumstances, there is no justification whatsoever for the State to insist on continuing with the proceedings under the impugned show cause notice, which is quashed. The petitioner will approach R4 with the copy of this order and shall be handed over immediate possession of all original certificates pertaining to him and retained by R4.

9.This writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

11.10.2023

vs

Index : Yes

Speaking order

Neutral Citation : Yes

Note:Issue order copy on 12.10.2023.



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Dr.ANITA SUMANTH, J.

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