



W.P.No.32236 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.32236 of 2022

Dr.Lakhamawad Abhijeet Potanna

..... 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 Medical Education

Represented by the Director of Medical Education
Kilpauk
Chennai - 600 010.

3.Kilpauk Medical College

Represented by its Dean
822, Poonamallee High Road
Kilpauk
Chennai - 600 010.

..... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to return the original certificates of the petitioner collected by the third respondent at the time of his admission.

For Petitioner : Mr.E.Manoharan

For Respondents : Mr.Silambannan
Additional Advocate General
Assisted by Mr.C.Kathiravan
Special Government Pleader for R1 to R3

ORDER

The petitioner herein has done his postgraduate course in Medicine in Kilpauk Medical College, Hospital, between May, 2016 to May, 2019. At the time of joining the course, he executed a bond to serve in Government run Medical Institutions for a period of two years, which period runs between June, 2019 and May, 2021. The petitioner was not given a posting order immediately, and since no posting was given within a two year period, the respondents forfeited the right to enforce the bond. Hence, he has laid this petition for return of his certificates.

2. The learned Additional Advocate General appearing for the respondents made a



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statement on written instructions issued by the Director of Public Health and Preventive Medicine, Chennai, that the petitioner was served with a letter of posting dated 24.12.2020, which is well within the period of bond period. However, the petitioner did not join. The learned Additional Advocate General made a fair statement that the posting order was addressed to a wrong address, and not the one given by the petitioner in the bond he had executed. He also circulated a copy of the bond executed by the petitioner.

3. As per the bond, the petitioner's address is given as 'Gujrathi Colony, Tilak Nagar, Dharmabad, Maharashtra - 431 809' whereas the address which the posting order was despatched reads as 'Gujrathi Colony, Mlak Nagar, Dharmabad'. The counsel for the petitioner submits that the petitioner did not receive any such posting order.

4. The posting order was given some 18 months after the petitioner had completed his course and that too to a wrong address. Necessarily, this Court has to presume that the petitioner had not received any posting order within the bond period. The advantage of this lapse should necessarily ensue to the petitioner.



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5. In view of the above, this Court allows this petition and directs the respondent concerned to return the original certificates of the petitioner collected from him at the time of his admission to PG course in medicine. No costs.

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Index : Yes / No

Speaking order / Non-speaking order
ds

To:

- 1.The Principal Secretary
State of Tamil Nadu
Health and Family Department
Secretariat
Chennai - 600 009.
- 2.The Director of Medical Education
The Directorate of Medical Education
Kilpauk
Chennai - 600 010.
- 3.The Dean
Kilpauk Medical College
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