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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.31688 of 2023

and

WMP.Nos.31318, 31320 & 31321 of 2023

- 1.Dr.N.Shivaramakrishnan
- 2.Dr.V.M.Naveen Raj
- 3.Dr.Bharanidharan B
- 4.Dr.Ramapraveen G
- 5.Dr.M.Hari Balakrishnan
- 6.Dr.Pragadeshwaran N.K.
- 7.Dr.Indhuja
- 8.Dr.Ramiyaa A.B.
- 9.Dr.Bharat Kumar V.K
- 10.Dr.R.Aarthikaa
- 11.Dr.Niranjan Kumar R.L
- 12.Dr.Thenarvi S
- 13.Dr.Vishali S
- 14.Dr.Aswathi V.S
- 15.Dr.Kiran R
- 16.Dr.Swati V
- 17.Dr.Sangeetha
- 18.Dr.R.C.Kavisindhuja
- 19.Dr.Sumu M
- 20.Dr.Aishwarya RM
- 21.Dr.G.Durgadevi
- 22.Dr.Sharmila
- 23.Dr.M.Sivakumar
- 24.Dr.Megha
- 25.Dr.A.G.Paveethra
- 26.Dr.D.K.Sowmiya



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27.Dr.Dinesh D
28.Dr.S.Pradeep
29.Dr.T.Dhanalakshmi
30.Dr.Hemnath I B
31.Dr.Ambrish R.
32.Dr.Ruwaidha Ahamed Rafeeq
33.Dr.Darun N
34.Dr.Dhanusuya G
35.Dr.Ilaya Perumal G
36.Dr.Gokul Ganesh V R
37.Dr.Haripradhaa M.V
38.Dr.P.M.Naveen
39.Dr.Karthik M
40.Dr.Sushma M.S.

.. Petitioners

VS

1.The Principal Secretary to the Government
Health and Family Department
Secretariat. Chennai-600 009

2.The Director of Medical Education
No.162, EVR Periyar Salai
Kilpauk, Chennai-600 010

3.The Dean
Cuddalore Government Medical College
(Erstwhile Raja Muthiah Medical College)
Annamalai Nagar,
Chidambaram-628 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the Respondents 1 and 3 to direct the 3rd respondent to return the (1) Original UG Certificate (2) Original PG Provisional (3) Original PG Mark Statements (4) Original PG Degree Certificate and all other original documents deposited by



respective petitioners retained by the 3rd Respondent regarding the Post-Graduation Courses of the petitioners respectively.

For Petitioners : Mrs.Rita Chandrasekar
for Ms.R.Meenakshi

For Respondents : Mr.P.Anandakumar
Government Advocate

ORDER

Mr.P.Anandakumar, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable final disposal of this matter, even at the stage of admission.

2.The case of the petitioners is for a mandamus seeking return of their certificates for the reason that the petitioners wish to participate in the P.G. counselling that is scheduled between 15.11.2023 and 17.11.2023. They specifically seek return of (1) Original UG Certificate (2) Original PG Provisional (3) Original PG Mark Statements (4) Original PG Degree Certificate and other original certificates that are retained by R3.

3.Both learned counsel would agree that this issue has been taken note of and decided in WP.No.26461 of 2022 and batch in the case of *P.Ruba Devi v. State of Tamil Nadu and others* and subsequently



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followed in *Dr.K.Gayathri and others v. The Principal Secretary to Government, Health and Family Department, Secretariat, Chennai 600 009 and others* on 18.11.2022 in WP.No.30906 of 2022. The operative portion of the order in *P.Ruba Devi* case as extracted in the subsequent order is as follows:-

'.....

23. *The Division Bench in fact has held that the bond period is coterminous with the candidates concerned, therefore once the bond period is over i.e. the two years as the case may be if it is over within which if no offer of employment is given to whatever reason by the respondents, then the candidates cannot be clutched for any further period and they are entitled to get back their certificates and they are free to go for any other organisation to join or to go for any higher studies. Suppose in some cases if the bond period is not completed, even though the petitioners are ready and willing to work since there has been no offer given as of now by the respondents, the petitioners cannot be clutched and they cannot be kept idle without joining in any other course or in any other job opportunity and therefore, the Government i.e. the respondents themselves have come forward to make the offer that within the bond period if they want to take back the certificates and if they come forward to give an undertaking that whenever they are called for an emergency they would come back and serve for the bond period their certificates can be given back. The petitioners also since have agreed upon to give such an undertaking, this Court having taken note of all these aspects is inclined to dispose of these writ petitions with the following orders:*

(i) That there shall be a direction to the respondents in all these writ petitions to consider the request made by each of the petitioners with regard to the returning back of



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the original certificates which are held by the respondents as they have been given by the respective petitioners at the time they joined in the respective P.G. Degree courses or P.G. Diploma courses and return back those certificates, in respect of the petitioners who completed the two years bond period as of now, forthwith i.e. within a period of two weeks from the date of receipt of a copy of this order.

(ii) Insofar as W.P.No.27467 of 2022 is concerned, since for a period of one year the petitioner had been in maternity leave and despite the offer made in this regard by the respondents, the petitioner could not serve because of the maternity leave and now the petitioner has come forward to give an undertaking that maternity leave period of one year taken by the petitioner would be compensated by serving the respondent institution if such offer is given in future in case of emergency. Therefore, with that condition to give undertaking the petitioner is entitled to get back the certificates.

(iii) Insofar as the W.P.No.27248 & 27249 of 2022 are concerned, since the bond period are over, within the bond period only covid-19 duty were offered to them and no regular duty has been given or posting or appointments are given, these petitioners in the said two writ petitions are free to get their certificates and the certificates belong to them shall be returned back by the respondents without any further conditions.

(iv) Insofar as all other writ petitions are concerned, since the bond period having not over as they have completed the P.G. Degree Courses only in 2022, after getting written undertaking to that effect as desired by the respondents from each of the petitioners that they would be ready to serve to the respondents/institutions/State Government when they are called for due to emergency in future and with these undertaking obtained from these petitioners individually, the respondents shall release the certificates belongs to these petitioners. The needful shall be undertaken by the respondents after getting these undertaking from the petitioners within one week thereafter.



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24. *With these directions, all these Writ Petitions are disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.'*

4. That apart, in the case of *Dr. Gayathri Devi*, the writ Court has

added as follows:

'11. Various situations, depending upon the bond period, whether it is over or yet to be over, were taken into account and accordingly, a set of directions were given in the said batch of cases. However, insofar as this writ petition is concerned, admittedly the bond period is yet to be over and the two years period would be over only in May, 2024. Therefore, as rightly pointed out by the learned Special Government Pleader, clause (iv) of the said order cited supra would be squarely applicable to the facts of the present writ petition.

12. Accordingly, this Court feels that this writ petition also can be disposed of in the aforesaid terms. Hence, this writ petition is disposed of with the following orders:

- *That there shall be a direction to the respondents to return the certificates in original, which are held back by the third respondent institution, given by the petitioners at the time of the admission into the PG Degree Course in the third respondent institution, as they have completed the course in May, 2022.*
- *However, before releasing / returning the certificates, the petitioners shall execute an undertaking affidavit before the third respondent institution, where they studied, by giving an undertaking that the petitioners are ready and willing to work with the respondent Government institutions / hospitals for the remaining bond period whenever such call comes from the respondents, on the basis of any need arises in future or on any emergency basis.*
- *It is made clear that in the affidavit to be executed*



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by the petitioners, as indicated above, each of the petitioners shall indicate their present address as well as permanent address for future communication by the respondents.

- *On receipt of such undertaking affidavit, the respondents shall do the needful, as indicated above, for releasing / returning the certificates of the petitioners within a period of one week.'*

5. In light of the identity in facts and circumstances, the above directions are taken to be passed in the present matter as well. In the present case, all the petitioners have completed their Post Graduate course in July 2023 and hence have not executed any bond thus far. The petitioners will ensure that undertaking affidavit is executed by them before the third respondent institution to the effect that they will offer their services with Government Institutions/hospitals for the entirety of the bond period upon completion of the superspeciality course, if and when they admitted, and as and when called for.

6. The affidavit shall contain their complete contact details with present and permanent address for communication by the respondents. Upon receipt of the undertaking, the certificates shall be returned to the petitioners forthwith.



7.This writ petition is disposed in terms of this order. No costs.

Connected miscellaneous petitions are closed.

10.11.2023

Index:Yes/No

Speaking order

Neutral Citation:Yes

vs

Note:Upload this order on 15.11.2023.

To

1.The Principal Secretary to the Government
Health and Family Department
Secretariat
Chennai-600 009

2.The Director of Medical Education
No.162, EVR Periyar Salai
Kilpauk, Chennai-600 010

3.The Dean
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(Erstwhile Raja Muthiah Medical College)
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DR. ANITA SUMANTH,J.

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