



W.P.(MD) No.2560 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.2560 of 2020

and

W.M.P.(MD) Nos.2206 of 2020 and 13911 of 2022

Dr.C.M.Padmavadi

... Petitioner

/vs./

1.The State of Tamil Nadu,
through its Secretary to Government,
Health and Family Welfare Department,
Secretariat,
St.Fort George,
Chennai -9.

2.The Joint Director of Health Services,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Pattukottai,
Thanjavur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from making recovery of Rs.27,79,025/- from the petitioner.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

The above writ petition is filed for the issue of a Writ of Mandamus forbearing the respondents from making recovery of Rs.27,79,025/- from the petitioner.

2.The records would show that the petitioner had been selected for the Post Graduate Diploma in Gynecology and Obstetrics (DGO) Course. One of the criteria for entering the course is to execute a security bond in favour of the college, where the super speciality course was being conducted. Accordingly, the petitioner was admitted to the Stanley Medical College and she had executed a bond dated 28.05.2012 in favour of the said college, wherein she had undertaken that she would serve the Government of Tamil Nadu till her superannuation. In



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the bond, it has been further stated that in case of breach that is if the petitioner discontinues, then she has to pay the damages for a sum of Rs.10,00,000/- together with interest from the demand till the date of payment.

3.Admittedly, the petitioner had completed her course in the year 2014. After the completion of the course, she had served till 31.05.2015 and had thereafter discontinued. The petitioner was thereafter served with the notice dated 20.03.2019 by the second respondent calling upon her to pay a sum of Rs. 27,79,025.40/-, as the petitioner had breached the terms of the service bond. Challenging the same, the petitioner has filed this writ petition.

4.A counter has been filed by the second respondent, wherein it has been stated that the petitioner, who has jumped the bond, is running a clinic in the name and style of M.P.Clinic at Dr.Vanchilingam Hospital Main Road, Madukkur, Pattukkottai Taluk, Thanjavur District. The respondents have also produced a document from the website of the Director of Medical and Rural Health Services, Chennai – 6 which shows that the petitioner is the owner of M.P.Clinic and she is the single practitioner therein. She has been given a certificate of Registration of



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Clinical Establishment and the hospital has also been given the certificate of Registration of Clinical. Since there is a breach of the bond, the terms of the service agreement become enforceable.

5.The respondents are only seeking to enforce the service bond, which has been executed by the petitioner. Having agreed to serve the Government Hospital till her superannuation and having breached the same, it is not right on the part of the petitioner seeking to prevent the respondents from exercising their rights under the contract by filing this writ petition.

6.In the result, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

14.06.2023

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P.T.ASHA, J.

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