



W.P.(MD).No.16305 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16305 of 2023

and

W.M.P(MD)No.13644 of 2023

T.Abinaya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.Directorate of Public Health and Preventive Medicine,
Represented by its Director,
Chennai-600 006.

3.The Joint Director of Health Services,
Office of the Joint Director of Health Services,
166, North Beach Road,
Thoothukudi-628 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in Ref.No.5768/E2/2022-7, dated 24.05.2023, passed by the 3rd respondent herein,



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and quash the same as illegal and without jurisdiction, and for consequential orders.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed to call for the records in Ref.No. 5768/E2/2022-7, dated 24.05.2023, passed by the 3rd respondent herein, and quash the same as illegal and without jurisdiction, and for consequential orders.

2. The petitioner is a fully qualified doctor, who has passed out MBBS degree from Madurai Medical College in May 2016. She completed her Doctor of Medicine (M.D General Medicine) from Stanley Medical College in May 2021. At the time of joining the course of M.D, she executed a bond on 31.05.2018 with the 3rd respondent undertaking to serve the Government of Tamil Nadu Medical Services for a period of 2 years on successful completion of M.D, General Medicine Course at Stanley Medical College and in the event of default, she undertook to forthwith pay a sum of Rs.40,00,000/- (Rupees Forty Lakhs only) to the Government of Tamil Nadu Medical Services.



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Thereafter, she successfully completed her course on 31.05.2021. In terms of the bond executed by the petitioner, it is required being a non-service post graduate student to undergo a mandatory 2 years bond period. She was called for counselling by the Director of Medical Education, Chennai vide letter, dated 14.06.2022 for issuance of appointment and posting orders, but the petitioner did not turn up for counselling. She was called upon by the 2nd respondent vide order, dated 11.10.2022 to serve at the Central Prison, Madurai – I for a period of 2 years and the said order was served upon the petitioner only on 02.01.2023. Even before the said order was served on her, on 19.12.2022, she made an application to the 2nd respondent citing her family condition to relocate in her native district of Tuticorin.

3. Based on her request on 10.02.2023, the 2nd respondent called upon her to intimate her about the revised posting to Government Hospital, Srivaikundam, Tuticorin District. However, though her request was accepted and she was posted to Srivaikundam, she was directed to serve for the bond period of 2 years. Even then, she did not turn up. Hence, on 24.05.2023, the impugned show cause notice came to be issued directing the petitioner to complete her compulsory bond service at Srivaikundam or to pay the bond



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amount immediately from the date of receipt of the show cause notice.

Challenging the same, this writ petition came to be filed.

4. This issue is no longer *res integra*. This Court has held more than once that the non-service post graduate students have to undergo mandatory 2 years bond period. However, if the respondents fail to provide any employment within a period of 2 years from the date of passing out as per the terms and condition of the bond, then on expiry of the period of 2 years from the date of passing out of the candidate, the bond would be rendered infructuous. In this case, the State came forward to make an offer of appointment as early as 18.11.2022. However, the same was received by the petitioner on 02.01.2023. Thereafter, on her request, the place of employment was changed vide order, dated 10.02.2023 to Srivaikundam. Even after that, the petitioner has not joined. Such a conduct of the petitioner is not appreciable.

5. In view of the same, this Court is of the considered view that she ought to have joined service as early as she received the first offer of appointment on 02.01.2023 or at least on 11.02.2023. She failed to join the allotted place in both the occasions. Therefore, I am inclined to quash the show cause notice, dated 24.05.2023 and further direct the petitioner to immediately join at Government Hospital, Srivaikundam, Tuticorin District and continue service



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for a period of six (6) months and she is directed to join service within a period of one (1) week from the date of receipt of a copy of this order. In case of her failure to join service within a period of one week from the date of receipt of a copy of this order, the 1st respondent is directed to proceed in accordance with law.

6. In view of the above, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

31.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.Directorate of Public Health and Preventive Medicine,
Represented by its Director,
Chennai-600 006.
- 3.The Joint Director of Health Services,
Office of the Joint Director of Health Services,
166, North Beach Road, Thoothukudi-628 001.



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L.VICTORIA GOWRI, J.

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