



W.P(MD)No.21823 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.21823 of 2023

Y.Ragavi

...Petitioner

Vs.

1.The Principal Secretary,
Health and Family Welfare Department,
St. George Fort,
Chennai.

2.The Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to return the petitioner's original certificates related to her MBBS Degree and the MS Ophthalmology Post Graduation Degree to the petitioner.

For Petitioner : Mr.N.Ananda Kumar

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader



W.P(MD)No.21823 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking direction to the second respondent to return the petitioner's original certificates related to her MBBS Degree and the MS Ophthalmology Post Graduation Degree to the petitioner.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner joined MS Ophthalmology course in Thanjavur Medical College in the year 2015 and the duration of the course is three years and during her course, a bond was obtained from every student of the said College by the Government, mandating them to undertake to serve in Government Hospitals for a period of three years. Having completed the MS Ophthalmology Course at Thanjavur Medical College on May 2018, the petitioner was appointed temporarily as an Assistant Surgeon under category II of class 1 of the Tamil Nadu Medical Service in sanctioned post at Government Hospital Vedaranyam, Nagapattinam District vide order, dated 03.08.2018. She duly joined duty on 24.08.2018 and after being



W.P(MD)No.21823 of 2023

transferred to Government Hospital, Musiri, Trichy District and then to K.A.P.Visvanathan Government Medical College, Trichy, she is presently serving in Mahatma Gandhi Memorial Government Hospital, Trichy and continuing service in the second respondent Hospital. She has already completed five years of service in the Government service, which is beyond the mandated minimum three years bond period as required by the Government. However, still all her educational certificates are being retained by the second respondent and despite her several requests made personally, so far she was not handed over with her certificates. Hence, the petitioner made a representation on 25.08.2023, requesting to return all her original certificates. The same was not considered. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article



W.P(MD)No.21823 of 2023

226 of the Constitution of India.

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5. The learned Special Government Pleader for the respondents drew my attention stating that the representation has been made only on 25.08.2023 and within a short span of time, the writ petitioner has knocked the doors of this Court. However, taking into consideration that this case is with respect to the return of educational certificates to which the petitioner is entitled to, considering the importance of the nature of the case, this Court is inclined to direct the respondents to consider the petitioner's representation, dated 25.08.2023 and immediately return the educational certificates, whatever which has been retained by them within a period of one (1) week from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

08.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



W.P(MD)No.21823 of 2023

WEB COPY

To

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W.P(MD)No.21823 of 2023

L.VICTORIA GOWRI, J.,

BTR

W.P(MD).No.21823 of 2023

08.09.2023