



W.P.(MD).No.17088 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.17088 of 2016

and

W.M.P.(MD).Nos.12409 and 12410 of 2016

Dr.M.Sathiya Priya

... Petitioner

Vs.

1.The Director of Medical Education,
O/o. The Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 10.

2.The Dean,
Tirunelveli Medical College,
Tirunelveli District.

... 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 of the impugned order of the second respondent in Na.Ka.No.1208/Ni.1/2010-1 dated 20.10.2015 and the consequential impugned order in Na.Ka.No.1208/Ni.1/2010-1 dated 18.07.2016 and quash the same in so for demanding interest for Rs.5,00,000/-.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mr.S.R.A.Ramachandran,
Additional Government Pleader.

ORDER

This Writ Petition is filed to quash the impugned order dated 20.10.2015 and the consequential impugned order dated 18.07.2016, insofar demanding interest for Rs.5,00,000/-.

2. The petitioner had completed M.B.B.S and joined as Assistant Surgeon on 15.11.2001. Thereafter, she had continued serving in various posts. While the petitioner was in service, she applied for PG Diploma in D.D.V.L. (Diploma in Dermatology, Venerology and Leprology) as a service candidate and she was granted permission by the second respondent. Accordingly, she had completed P.G. Diploma during the period from 26.05.2005 to 11.08.2008 and joined the duty on 12.08.2008 and continued the employment till 22.06.2009. As per the prospectus issued for pursuing the P.G. Diploma, a service candidate had to serve in the Government for a period of 15 years or till superannuation, whichever is higher, failing which the candidate should pay Rs.5,00,000/- to the Government. Accordingly, the petitioner executed the bond but, on account of



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medical ground, she discontinued from service. Hence, she was not able to continue her service and she sought long leave from the respondents and the same was not considered by the respondents. In the meanwhile, since the petitioner has not served for 15 years, the respondents vide proceedings dated 30.12.2010 directed the petitioner to remit the bond amount of Rs.5,00,000/- and she has paid first installment of Rs.50,000/- on 13.10.2011 and subsequently pay every month Rs.50,000/- until 21.03.2013. In the meanwhile, the respondents have imposed interest and the interest was calculated until her superannuation that is until the year 2032. Aggrieved over the same, the present Writ Petition is filed.

3. At the time of admission, this Court directed the petitioner to remit Rs.4,00,000/- and clear the bond amount. The petitioner has also paid the said amount on 07.10.2016. The petitioner was having severe and repeated episodes of acute urticaria and angioedema. The learned counsel appearing for the petitioner circulated photos of the petitioner where she was undergoing trauma because of her ailment.

4. Therefore, this Court is of the considered opinion that the interest levied until her superannuation is unwarranted by taking into consideration of



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the petitioner's physical condition. Hence, the impugned order is quashed and the petitioner need not pay any interest, as per the impugned order is quashed.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The Director of Medical Education,
O/o. The Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 10.

2.The Dean,
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S.SRIMATHY, J.

Nsr

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