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W.P.(MD)No.28794 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28794 of 2022

J.Emmanuel Thas

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Dean
Madras Medical College,
Chennai.

(R2 is suo motu impleaded vide
Court order dated 01.02.2023)

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct respondents to renew petitioner's passport bearing No.K8974056 with immediate effect either on his application dated 31.03.2022 bearing file No.MD2074082397722 or on petitioner's fresh application vide Application reference No.22-1009056593 dated 09.08.2022, considering the petitioner's representation dated 10.08.2022.



For Petitioner : Mr.M.R.Sreenivasan
For R1 : Mr.B.Deepa
Central Government Standing Counsel
For R2 : Mr.M.Lingadurai
Special Government Pleader

* * *

ORDER

Heard the learned counsel on either side.

2.The petitioner applied for issuance of passport. Since doubt arose as regards the status of the writ petitioner as to whether he is a Government Servant or not, his application was not being processed. Hence the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned counsel for the writ petitioner submitted that the petitioner had given his resignation as early as on 04.04.2022 and that no order was passed there on. Hence he is deemed to have resigned.

4.I *suo motu* impleaded the employer and the learned Special Government Pleader on instructions from the Director of Public Health and Preventive Medicine, Chennai-6, clarified that the petitioner's resignation was rejected. I decline to go into the issue of the petitioner's status.



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5.It is clearly stated by the petitioner through his counsel that he obtained Mch Neurosurgery Degree under Service Quota. The petitioner had also executed bond in favour of the impleaded respondent. As per the bond terms, if the petitioner is unable to fulfil the conditions, he has to pay a sum of Rs.25,00,000/- to the Government. The petitioner undertakes to remit the said amount to the Tamil Nadu Government within a period of two weeks from the date of receipt of a copy of this order. The said undertaking is recorded. On production of proof of such payment before the first respondent, the first respondent is directed to renew and re-issue the petitioner's passport immediately thereafter.

6.This writ petition is allowed on these terms. Recording the petitioner's status as Government Servant would not come in the way of such re-issuance of the passport.

28.02.2023

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

Note:Issue order copy on **02.03.2023**
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G.R.SWAMINATHAN,J.

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To

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