



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

**W.P.No.965 of 2024**

Dr.D.Abisharthini

.... Petitioner

VS

- 1.The State of Tamil Nadu  
Represented by its Principal Secretary,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.
- 2.Directorate of Medical Education,  
Represented by the Director of Medical Education,  
Kilpauk, Chennai - 600 010.
- 3.Directorate of Medical and Rural Health Services,  
Represented by the Director of Medical Health and  
Rural Health Services,  
359, Anna Salai, Chennai - 600 006.
- 4.Directorate of Public Health and Preventive Medicine,  
Represented by the Director of Public Health  
and Preventive Medicine,  
359, Anna Salai, Chennai - 600 006.
- 5.The Dean  
Thanjavur Medical College and Hospital,  
Medical College Road, Thanjavur-613004

.... Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to treat two-year compulsory bond period as completed, and to consequently relieve the petitioner from bonded service in Government Thiruvannamalai Medical College and Hospital and to direct the 5<sup>th</sup> respondent to return all original certificates and documents collected by the 5<sup>th</sup> respondent while admitting the petitioner to the post graduate degree course along with post graduate degree certificate.

For Petitioner : Mr.V.Kadhirvelu

For Respondents : Mr.K.Tippu Sultan  
Government Advocate

### **ORDER**

The petitioner has sought a mandamus directing the respondents to treat the two year compulsory bond period as completed, relieve her from bonded service from the Thiruvannamalai Medical College and Hospital and direct R5 to return all her certificates and documents.

2. The premise of such a prayer is that the petitioner has actually rendered service per the compulsory bond period. For this purpose, the petitioner has placed at page 21 of the typed set a covid duty certificate issued in terms of G.O.Ms.No.371 dated 13.11.2023 to the effect that the petitioner has rendered covid duty for the period 24.03.2020 to 30.05.2021 and specifically that she has rendered 432 days of covid duty. This certificate has been issued by one



Dr.V.P.Kannan, M.D.,(Gen), HOD & Professor, Department of General Medicine, Thanjavur Medical College & Hospital, Thanjavur – 613 004  
WEB COPY  
endorsed by the Dean, Thanjavur Medical College.

3. When the matter was taken up on 13.03.2024, this Court directed that the representation of the petitioner dated 02.01.2024 seeking return of testimonials will be considered by the respondent in accordance with law.

4. That representation was addressed, and one Dr.Rajarajeswari, Professor and Head of the Department, Department of Obstetrics and Gynaecology, Government Raja Mirasudhar Hospital, Thanjavur has issued a letter dated 08.05.2024 enclosing the details of covid duty of various students who had filed Writ Petitions before the Court. In that, the period of covid duty rendered by Dr.D.Abisharthini, 2018-2021 batch is set out as follows:

| <i><b>Name of the PG's</b></i> | <i><b>COVID Duty</b></i>     |           | <i><b>QUARANTINE</b></i>                                      |           |
|--------------------------------|------------------------------|-----------|---------------------------------------------------------------|-----------|
| <i>Dr.D.Abisharthini</i>       | <i>10.04.2020-16.04.2020</i> | <i>7</i>  | <i>17.04.2020-23.04.2020</i>                                  | <i>7</i>  |
|                                | <i>16.05.2020-28.05.2020</i> | <i>13</i> | <i>29.05.2020-05.06.2020</i>                                  | <i>7</i>  |
|                                | <i>20.06.2020-26.06.2020</i> | <i>7</i>  | <i>27.06.2020-03.07.2020</i>                                  | <i>7</i>  |
|                                | <i>11.09.2020-17.09.2020</i> | <i>7</i>  | <i>18.09.2020-24.09.2020</i>                                  | <i>7</i>  |
|                                | <i>20.11.2020-26.11.2020</i> | <i>7</i>  | <i>27.11.2020-03.12.2020</i>                                  | <i>7</i>  |
|                                | <i>12.05.2021-15.05.2021</i> | <i>5</i>  | <i>Covid positive special leave<br/>16.05.2020-31.05.2020</i> | <i>16</i> |



5. The sum total of covid duty is 46 days + 46 days for quarantine, in all, a period of 92 days.

6. It is a mystery as how the covid duty certificate issued by the HOD and Dean confirms that covid duty has been rendered for 432 days by this petitioner. There is absolutely no basis. The aforesaid details submitted have been handed over to the learned counsel for the petitioner to obtain instructions from the petitioner.

7. Learned counsel for the petitioner today circulates an e-mail dated 20.06.2024 from the petitioner reading thus:

*“Dear sir,*

*Though they have been posted in covid duties in turns and our batch has done covid duty in both in first and second wave*

*Covid duty includes the period of quarantine of 7 days (for me Covid duty 45 days + quarantine 45 days= 90 days)*

*I have affected by Covid on 16/5/21 following Covid duty and admitted in ward for 14 days (for me 14+90 = total 104 days)*

*Also I was in the department during June July 2021 post the completion of course (additional 60 days -total 104+60=164 days)*

*Considering this and the circular 91027-23 issued by DME (posting order issued belatedly I year 2 Months) and myself having worked for bond posting for 231 days (plus 164 days spent during Covid) relieve me from bond duty*

*I was a regular non absentee student my postgraduation period. I didn't miss out any covid duties”*



8. As may be seen from the e-mail, the computation of the duty rendered by the petitioner is completely arbitrary and wrong. The only common point between the petitioner and the respondents is the period of covid duty, which is approximately 90 days.

9. While the respondents state that the covid duty is for a period of 78 days, the petitioner states that it is 90 days. Thereafter, the petitioner has taken the benefit of leave availed by her for covid, which is not liable to be accepted. Then again, she states that she '*was in the department during June, July, 2021*' and claims an additional two months duty. This is also unacceptable.

10. Vide communication bearing Na.Ka.No.6082/mk1/2024, dated Nil, signed on 12.06.2024, specific to this Writ Petition, a tabulation of covid duty rendered by this petitioner has been set out reading thus:

| <b><i>S.No.</i></b> | <b><i>Name and Department</i></b> | <b><i>Duty Period</i></b> | <b><i>Days</i></b> |
|---------------------|-----------------------------------|---------------------------|--------------------|
| 1                   | D.Abisharthini MS OG 2018-2021    | 10.04.2020-16.04.2020     | 7                  |
|                     |                                   | 16.05.2020-28.05.2020     | 13                 |
|                     |                                   | 11.09.2020-17.09.2020     | 7                  |
|                     |                                   | 20.11.2020-26.11.2020     | 7                  |
|                     |                                   | 12.05.2021-15.05.2021     | 5                  |
|                     | Total days                        |                           | 39                 |

11. There is a difference in the period of covid duty rendered by this petitioner, in that, the period 20.06.2020 to 26.06.2020 is absent in communication dated 12.06.2024. Both tabulations are enclosed with covering



letters signed by Dr.Rajarajeswari, Professor and Head of the Department, Department of Obsterics and Gynaecology, Government Raja Mirasudhar Hospital, Thanjavur. While one is dated 08.05.2024, the second is dated 29.04.2024 (the latter does not contain the particulars of duty for the period 20.06.2020 to 26.06.2020).

12. Clearly, there have been omissions and commissions in the maintaining of the duty roster. However, while one may accept a small degree of laxity in this regard, bearing in mind the difficulties caused by the Pandemic, it is the Certificates which are of great concern, since they are being issued now, and are proven to contain particulars that are completely at variance to the records. In the present case, taken at the highest and extending to the petitioner the maximum benefit, she will be entitled only to 92 days of duty.

13. Hence, this Writ Petition is clearly to be dismissed and I do so.

14. The second limb which has a far more serious consequence relates to the covid duty certificates issued by the authorities. While the covid duty certificate issued by the Dean, Thanjavur Medical College states that the petitioner has rendered 432 days covid duty, it is interesting to note that not even the petitioner has claimed such extended service.

15. Thus, let an enquiry be conducted forthwith into all covid duty certificates issued thus far. Disciplinary action be initiated forthwith as against



the signatories who have issued the covid duty certificate in the case of this petitioner. A status report in this regard will be prepared and filed on or before 12.07.2024.

16. No costs. List on 12.07.2024 under the caption 'for compliance'.

21.06.2024

Index : Yes/No  
Speaking Order:Yes  
Neutral Citation:Yes  
sl

**DR.ANITA SUMANTH, J.**

sl

To

- 1.The State of Tamil Nadu  
Represented by its Principal Secretary,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.
- 2.Directorate of Medical Education,  
Represented by the Director of Medical Education,  
Kilpauk, Chennai - 600 010.



3. Directorate of Medical and Rural Health Services,  
Represented by the Director of Medical Health and  
Rural Health Services,  
359, Anna Salai, Chennai - 600 006.

4. Directorate of Public Health and Preventive Medicine,  
Represented by the Director of Public Health  
and Preventive Medicine,  
359, Anna Salai, Chennai - 600 006.

5. The Dean  
Thanjavur Medical College and Hospital,  
Medical College Road, Thanjavur-613004

**W.P.No.965 of 2024**

**21.06.2024**