



WEB COPY

W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

Dr.D.L.Sam Bennihin

.... Petitioner in W.P.No.7697 of 2024

Dr.R.Aravind

.... Petitioner in W.P.No.7709 of 2024

Dr.Zainai Ng

.... Petitioner in W.P.No.7708 of 2024

Dr.Rovino Kera

.... Petitioner in W.P.No.7707 of 2024

Dr.K.Sivasankaran

.... Petitioner in W.P.No.7702 of 2024

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 and Research,

Represented by the Director of Medical Education and Research,
Kilpauk, Chennai - 600 010.

3.Directorate of Public Health and Preventive Medicine,

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



W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

4. Tamil Nadu Medical Services Corporation Limited,
represented by its Chairman,
No.417, Pantheon Road, Egmore, Chennai – 600 008.

.... Respondents in the above W.Ps

5. Kilpauk Medical College,
Represented by its Dean,
Chennai – 600 010.

.... Respondent in W.P.No.7697,
7709 and 7702 of 2024

5. Madurai Medical College,
represented by its Dean,
Madurai

.... Respondent in W.P.No.7708 of 2024

5. Coimbatore Medical College,
represented by its Dean,
Coimbatore

.... Respondent in W.P.No.7707 of 2024

6. Government Primary Hospital Centre,
Represented by Joint Director of Health Services,
Mugaiyur,
Villupuram.

.... Respondent in W.P.No.7697 of 2024

6. Government Primary Hospital Centre,
Represented by Joint Director of Health Services,
CR Puthur, Nagercoil.

.... Respondent in W.P.No.7709 of 2024

6. Government Primary Hospital Centre,
Represented by Joint Director of Health Services,
Manamadurai, Sivaganga.

.... Respondent in W.P.No.7702 of 2024



W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

Prayer in W.P.No.7697 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent No.5 to issue Covid Duty Certificate in line with G.O.(Ms.)No.371, dated 18.11.2023 towards the Covid Duty Period rendered for a period of nearly three years by the petitioner and also to direct respondent No.1 to 6 to treat the petitioner's two-year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to consequently relieve the petitioner from his bonded service in the 6th respondent hospital and also to direct the 1st and 5th respondents to return the Petitioner's original certificates and documents collected by the 1st and 5th respondent while admitting the petitioner to the post graduate degree course along with his post Graduate degree certificates within a time frame fixed by this Hon'ble Court.

Prayer in W.P.No.7709 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing Respondent No.5 to issue Covid Duty Certificate in line with G.O.(Ms.)No.371, dated 18.11.2023 towards the Covid Duty Period rendered for a period of nearly three years by the petitioner and also to direct respondent No.1 to 6 to treat the petitioner's two-year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to consequently relieve the petitioner from his bonded service in the 6th respondent hospital and also to direct the 1st and 5th respondents to return the Petitioner's original certificates and documents collected by the 1st and 5th respondent while admitting the petitioner to the post graduate degree course along with his post



W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

Graduate degree certificates within a time frame fixed by this Hon'ble Court.

Prayer in W.P.No.7708 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent No.5 to issue Covid Duty Certificate in line with G.O.(Ms.)No.371, dated 18.11.2023 towards the Covid Duty Period rendered for a period of nearly three years by the petitioner and also to direct respondent No.1 to 5 to treat the petitioner's two-year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to direct the 1st and 5th respondent to return the Petitioner's original certificates and documents collected by the 1st and 5th respondent while admitting the petitioner to the post graduate degree course along with her post Graduate degree certificate within a time frame to be fixed by this Hon'ble Court.

Prayer in W.P.No.7707 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent No.5 to issue Covid Duty Certificate in line with G.O.(Ms.)No.371, dated 18.11.2023 towards the Covid Duty Period rendered for a period of nearly three years by the petitioner and also to direct respondent No.1 to 5 to treat the petitioner's two-year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to direct the 1st and 5th respondent to return the Petitioner's original certificates and documents collected by the 1st and 5th respondent while admitting the petitioner to the post graduate degree course along with her post Graduate degree certificate within a time frame to be fixed by this Hon'ble Court.



W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

Prayer in W.P.No.7702 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing Respondent No.5 to issue Covid Duty Certificate in line with G.O.(Ms.)No.371, dated 18.11.2023 towards the Covid Duty Period rendered for a period of nearly three years by the petitioner and also to direct respondent No.1 to 6 to treat the petitioner's two-year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to consequently relieve the petitioner from his bonded service in the 6th respondent hospital and also to direct the 1st and 5th respondents to return the Petitioner's original certificates and documents collected by the 1st and 5th respondent while admitting the petitioner to the post graduate degree course along with his post Graduate degree certificates.

In all W.Ps.

For Petitioner : Mr.M.G.Pranavacharan

For Respondents : Mr.K.Tippu Sultan

Government Advocate

COMMON ORDER

Mr.K.Tippu Sultan, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable final disposal of these Writ Petitions, even at the stage of admission.

2. The petitioners are doctors and have completed their course in 2023. They seek release from bond service and return of the certificates that had been furnished by them at the time of admission to their post



W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

graduate course. They also seek issuance of covid duty certificates in line with G.O.(Ms.)No.371 dated 18.11.2023, as according to them, they have rendered covid duty for a period in excess of 2 years. In addition, barring petitioners in W.P.Nos.7707 and 7708 of 2024, who did not attend the counselling, all other petitioners are rendering regular duty as well, till date.

3. All petitioners rely on G.O.Ms.No.351 Health and Family Welfare (MCA-1) Department dated 27.10.2023 to the effect that the bond period for Non Service Post Graduates (Degree/Diploma) who have completed their Post Graduate courses in the year 2023 will be reduced from two years to one year.

4. The petitioners have made representations, (Dr.D.L.Sam Bennihin and Dr.R.Aravind - 13.03.2024 vide registered post, received on 14.03.2024 and 15.03.2024 respectively (postal track placed) Dr.Zainai Ng, by e-mail on 24.01.2024, Dr.Rovino Kera, by email on 20.03.2024 and Dr.Sivasankaran, by email on 15.02.2024), before the authorities echoing the prayer that has been made in these Writ Petitions.

5. Hence, as the respondents are seized of the requests of the petitioners and since the adjudication of their requests would entail appreciation of various facts, it would be appropriate that the matter is



W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

best left to the respondents to take appropriate action having regard to the relevant Government Orders, as detailed in the paragraphs supra.

6. R5 is directed to issue covid duty certificates prior to 28.03.2024 and the petitioners may collect the same from R5. Thereafter, the Director of Medical Education/R2 is directed to consider the representations of the petitioners in light of the prevailing Government Orders as applicable to candidates who have completed their studies in 2023.

7. For this purpose, the petitioners shall appear before R2 on any working day between 01.04.2024 and 12.04.2024 between working hours without awaiting any further notice in this regard.

8. R2 shall give audience to the petitioners, hear them and pass orders on their representation in accordance with law and all prevailing Government Orders, within a period of two (2) weeks from date of appearance of the petitioners as above.

9. To be noted, that this Court has passed several orders in consideration of the requests of identically/similarly placed doctors and the ratio of those orders will be fully applicable to the facts and circumstances of the present cases as well.



W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

10. These Writ Petitions are disposed as above. No costs.

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22.03.2024

Index: Yes/No
Speaking order
Neutral Citation: Yes
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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 and Research,
Represented by the Director of Medical Education and Research,
Kilpauk, Chennai - 600 010.
3. Directorate of Public Health and Preventive Medicine,
Represented by its Director of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai - 600 006.
4. Tamil Nadu Medical Services Corporation Limited,
represented by its Chairman,
No.417, Pantheon Road, Egmore, Chennai – 600 008.
5. Kilpauk Medical College,
Represented by its Dean,
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Represented by Joint Director of Health Services,
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W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

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W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

Dr.ANITA SUMANTH,J.

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W.P.Nos.7697, 7709, 7708, 7707 & 7702 of 2024

22.03.2024