



WEB COPY



W.P.No.6844 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6844 of 2021
and
W.M.P.Nos.7400 and 7401 of 2021

D.Kavitha

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director of Public Health and
Preventive Medicine,
DMS Campus,
Chennai – 600 006.
- 3.The Joint Director,
Medical and Rural Health Service Department,
Coimbatore.
- 4.The Dean,
Coimbatore Medical College,
Coimbatore.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the order passed by the third respondent vide his proceedings in Ref.No.2511/E1/2020 dated 19.01.2020 signed on 19.01.2021 and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.Omprakash
Senior Counsel
for Mr.R.Jayaprakash

For Respondents :
For R1 and R2 : Mrs.M.Sneha
Senior Panel Counsel

For R3 and R4 : Mr.E.Sundaram
Government Advocate

ORDER

This writ petition has been filed questioning the order passed by the third respondent in proceeding Ref.No.2511/E1/2020 dated 19.01.2020 signed on 19.01.2021 demanding an amount of Rs.59,40,000/- from the petitioner on the ground of breach of bond committed by the petitioner.

2. Out of the said amount of Rs.59,40,000/-, Rs.20,00,000/- is the principal amount undertaken to pay by the petitioner and a sum of Rs.39,40,000/- towards interest at the rate of 12% per annum.



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3. The facts of the case are that the petitioner had executed a bond undertaking to pay an amount of Rs.20,00,000/- to the respondents in the event of her failure to serve the respondents till she attained the age of superannuation after acquiring the Postgraduate Degree being an in-service candidate.

4. The petitioner who was permitted to acquire a Postgraduate Degree joined the Course at Coimbatore Medical College, Coimbatore on 10.07.2013 and completed Postgraduate Course on 09.07.2016 and was continued her service till the month of January 2019 and thereafter, the petitioner discontinued her service.

5. As a consequence, the third respondent issued proceeding in Ref.No.2511/E1/2020 dated 19.01.2020 signed on 19.01.2021, requiring the petitioner to pay an amount of Rs.59,40,000/- as noted above.

6. Aggrieved by the said demand, the petitioner has approached this Court by filing the present writ petition.



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7. The learned counsel for the petitioner submitted that he has obtained specific instructions from the petitioner that the petitioner is ready and willing to pay the principal amount of Rs.20,00,000/- together with interest at the rate of 6% per annum from the date of demand till the date of payment.

8. This Court after having perused the impugned proceeding does not find any justification for claiming interest at the rate of 12% per annum for a period of 16 years 5 months i.e., till the date of superannuation of the petitioner. In terms of the bond, the petitioner is liable to pay an amount of Rs.20,00,000/- on demand in the event of committing breach of bond. The demand was made by the third respondent for the first time only on 19.01.2021 that too for a sum of Rs.59,40,000/- instead of Rs.20,00,000/- which is contemplated under the bond.

9. In view of the submission made by the learned counsel for the petitioner that the petitioner is ready to pay the principal amount of Rs.20,00,000/- with 6% interest per annum, this Court is not inclined to further examine the matter on merits especially on finding that the demand made by



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the third respondent for interest till the date of superannuation of the petitioner

is not permissible in law.

10. Accordingly, this Writ Petition is disposed of duly directing the petitioner to pay an amount of Rs.20,00,000/- with interest at the rate of 6% per annum with effect from 19.01.2021 till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected Writ Miscellaneous Petitions are closed.

12.06.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

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