



WEB COPY

W.P.Nos.7663 and 7667 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.7663 and 7667 of 2024

Dr.S.Chockalingam

.... Petitioner in W.P.No.7663 of 2024

Dr.R.Nandini

.... Petitioner in W.P.No.7667 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.

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,
Chennai – 600 010.

.... Respondents in the above W.Ps.

6. Government Headquarters Hospital



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Represented by its Joint Director of Health Services,
Karaikudi, Sivaganga.

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.... Respondent in W.P.No.7663 of 2024

6. Government Primary Hospital Centre,
Represented by the Medical Officer,
Kaveripakkam, HOW, Ranipet.

.... Respondent in W.P.No.7667 of 2024

(R5 in W.P.No.7667 of 2024
amended vide this order)

Common Prayer: Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing R5 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 and two years six months respectively by the petitioners and also to direct respondent No.1 to 6 to treat the petitioners' two-year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to consequently relieve the petitioners from their bonded service in the 6th respondent hospital and also to direct the 1st and 5th respondents to return their original certificates and documents collected by the 1st and 5th respondent while admitting the petitioners to the post graduate degree course along with their post Graduate degree certificates.

In both W.Ps.

For Petitioner : Mr.M.G.Pranavacharan

For Respondents : Mr.K.Tippu Sultan

Government Advocate

COMMON ORDER



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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. Learned counsel for the petitioner would submit that the name of the 5th respondent in W.P.No.7667 of 2024 is mentioned wrongly as Madras Medical College instead of Kilpauk Medical College and requests that the same may be amended. Accordingly the 5th respondent in W.P.No.7667 of 2024 shall read as Kilpauk Medical College instead of Madras Medical College.

3. The petitioners are doctors and have completed their course in 2023. They seek release from bond service and return of their certificates that have been furnished by them at the time of admission to their post 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 services for a period more than 2 years.

4. In addition, they 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.



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5. The petitioners have made a representation before the authorities echoing the prayer that have been made in these Writ Petitions on 15.02.2024 (Dr.S.Chockalingam - sent through email) and 13.03.2024 (Dr.Nandhini - sent through registered post received on 15.03.2024 – Postal Track placed on file).

6. Hence, as the respondents are seized of the requests of the petitioners and since the adjudication of the request would entail appreciation of various facts, it would be appropriate that the matter is best left to the respondents to take appropriate action having regard to the relevant Government Orders, as detailed in the paragraphs supra.

7. In such circumstances, R5 is directed to issue covid duty certificate 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.

8. 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.

9. R2 shall give audience to the petitioners, hear them and pass



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orders on their representation in accordance with law and all prevailing Government Orders, within a period of two (2) weeks from date of receipt of a copy of this order.

10. To be noted, that this Court has passed several orders in consideration 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.

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

22.03.2024

Index:Yes/No

Speaking order

Neutral Citation:Yes

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Note: Registry is directed to make necessary amendments in the cause title in W.P.No.7667 of 2024.

To

1.The State of Tamil Nadu

Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

Dr.ANITA SUMANTH,J.

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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,
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5. Kilpauk Medical College,
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