



W.P.No.14494 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:30.05.2024

Coram:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.14494 of 2024

&

W.M.P.Nos.15762, 15763 & 15764 of 2024

Dr.Ashwath Vitusun

.. Petitioner

/versus/

1.The State of Tamil Nadu,
Represented by the Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai 600 009.

2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai 600 010.

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



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5.The Dean,
Kilpauk Medical College,
Kilpauk, Chennai 600 010.

6.The Government Hospital,
Panruti,
Tamil Nadu 607 106.

7.The Government Hospital,
Thittakudi,
Cuddalore.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for records of the impugned posting order R.No.3418534/E7/A1/2022, dated 20.02.2024 issued by the 4th respondent and to quash the same and also directing the 4th respondent to treat the petitioner's compulsory bond period as completed and to direct the 5th respondent to return all the (1)Original UG Certificate, (2) Original PG Certificates and other original documents submitted by the petitioner at the time of his admission.

For Petitioner :Mr.P.Gnanasekaran

For Respondents :Mr.M.Bindran, AGP



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ORDER

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The petitioner is a postgraduate in Orthopaedics. He joined the postgraduate course at Government Medical College, Kilpauk. During the time, he was undergoing the course, the pandemic struck the country. The petitioner was performing 'COVID duty' between 07.04.2020 and 21.08.2021. In order to substantiate the same, the petitioner has produced a certificate that during the period between 07.04.2020 and 21.08.2021, he was performing 'COVID duty'.

2. The respondents have not returned the certificates on the ground that the petitioner has not completed the bond period of one year, which he had entered into, at the time of joining the postgraduate course. This issue is no longer *res integra*. *The Hon'ble Mr. Justice G.R.Swaminathan, has taken a view in W.P.(MD)No.9633 of 2024, dated 29.04.2024 that, the performance of the 'COVID duty' should be offset as against the bond period. I would respectfully apply this judgment to the facts of the present case. If the same is done, then, the petitioner has worked for a period of one year and four months as against the required*



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period of one year. Therefore, he has discharged the bond through performance. Consequently, the respondents are not entitled to retain his documents.

3. **Accordingly, this Writ Petition stands allowed.** The 5th respondent is directed to return all UG and PG certificates of the petitioner, within a period of four weeks, from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.05.2024

Index:yes/no
Neutral citation:yes/no
ari/at

To:

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V.LAKSHMINARAYANAN,J.

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