



W.P. Nos. 14349 and 14372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P. Nos. 14349 and 14372 of 2024

and

W.M.P. Nos. 15574, 15575, 15610 & 15614 of 2024

W.P. No. 14349 of 2024

- 1.Dr. Gargi .D
- 2.Dr. D.Rahul
- 3.Dr. Alok Dubey
- 4.Dr. Shakeel Babu Shaik
- 5.Dr. Damacharla Basavaiah Chowdary
- 6.Dr. Mayank Garg
- 7.Dr. Sanju Unnikrishnan
- 8.Dr. N.Prabhuram
- 9.Dr. Praveen B
- 10.Dr. Mahader V

.. Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.
- 2.Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
- 3.The Directorate of Public Health and Preventive Medicine,



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Anna Salai, Teynampet, Chennai – 600 086.

4.The Director of Medical and Rural Health Services,
Anna Salai, Chennai.

5.The Dean,
Madras Medical College,
E.V.R. Periyar Salai, Park Town,
Chennai – 600 003.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to return all the original certificates of the petitioner that were submitted by them at the time of their admission to the Post Graduate Super Specialty Degree Course in the fifth respondent Government Medical College, within a time period stipulated by this Court.

For Petitioners : Mr. C. Vidhusan

For Respondents : Mrs.M.Sneha,
Standing Counsel

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1.Dr. Jeffrey Ashiq G
2.Dr. Boddukura Sahithi Priya
3.Dr. Bhattiprolu Vijay
4.Dr. Patravale Tanmay Bharat
5.Dr. Shramya Shodhan Kumar
6.Dr. Prethee Martina Christabel
7.Dr. Anjana Elangovan

.. Petitioners

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Anna Salai, Teynampet,
Chennai – 600 086.
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For Petitioners : Mr. C. Vidhusan

For Respondents : Mrs.M.Sneha,
Standing Counsel

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COMMON ORDER

The petitioners, who are seventeen in number seek for a Mandamus directing the respondents to return the original certificates of the petitioners that they had submitted at the time of their admission into the postgraduate Super Specialty Degree Course with Madras Medical College at Chennai.

2. All the petitioners had joined the Madras Medical College in December, 2020, pursuant to the quota allotted under All India Category. At that time, they were brought into “Covid duty”, which continued for a period of more than one year.

3. They would state that on account of the fact that they have done “Covid duty”, the bond, that was signed by them stands discharged. Therefore, they would plead that they are entitled to return of the



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certificates.

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4. Mrs.M.Sneha, the Learned Standing Counsel appearing for the respondents would plead that by virtue of the judgment in W.A.No.799 of 2019 etc., batch, dated 06.10.2020, the petitioners are bound to serve out their bond period of one year. She would also plead that there is no difference between All India Quota Students or State Quota Students. She would further state that both of them would have to serve the period of one year in terms of the bond signed by them in the State of Tamil Nadu. Therefore, she would plead that in the light of the judgment passed in W.A.No.799 of 2019 etc., batch, dated 06.10.2020, the State has a right to retain the original certificates of the petitioners exercising a lien over them.

5. I would have agreed with the submissions made by Mrs.M.Sneha, under normal circumstances. However, this case is different. The judgment in W.A.No.799 of 2019 etc., batch will apply to the candidates who have undergone their course in the normal circumstances. As seen from the affidavits, while the country was reeling



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under Covid onslaught from March 2020 till the month of May 2023, the petitioners were drafted to perform “Covid duty”. The petitioners though were pursuing their Super Specialty Course, had been drafted by the State of Tamil Nadu to perform “Covid duty”. It is their specific assertion that the petitioners performed “Covid duty” for more than a period of one year.

6. Under similar circumstances, this Court in W.P.(MD)No.9633 of 2024, dated 29.04.2024 had held that the period that the Doctors had worked as medical professionals performing “Covid duty”, should have to be calculated as against the bond period. To put it in other words, if the Doctors, who were pursuing their Super Specialty Course, had performed the duties during Covid period, then, the said period would have to be calculated as against the bond period of one year, that they had entered into at the time of entering the course.

7. Since all the petitioners have performed “Covid duty” for a period of more than one year, they have exhausted the period of bond. Once the bond period is exhausted, it has to be held that they have



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discharged there bond conditions.

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8. Following the view taken by this Court in W.P.(MD)No.9633 of 2024, dated 29.04.2024, these Writ Petitions stand allowed. The fifth respondent is directed to return all the original certificates to the petitioners, within a period of four weeks, from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Index:Yes/No
Neutral Citation:Yes/No
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V. LAKSHMINARAYANAN,J.

at/ari

To

1. The Principal Secretary,
State of Tamil Nadu, Health and Family Department,
Secretariat, Chennai – 600 009.
2. The Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
3. The Directorate of Public Health and Preventive Medicine,
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