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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.07.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.16932 of 2024

Dr.Gayathri K

.... Petitioner

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,

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

3. Directorate of Medical and Rural Health Services,

Represented by the Director of Medical Health and
Rural Health Services,
No.359, Anna Salai,
Chennai – 06.

4. Directorate of Public Health and Preventive Medicine,

Represented by the Director of Public Health and
Preventive Medicine,
No.359. Anna Salai,
Chennai – 06.

5. Government Madras Medical College,

Represented by its Dean,
Chennai – 600003.

.... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to treat the Petitioner's one-year bond period as completed and to consequently relieve her from her bonded service in the Government Headquarters Hospital, Walajahpet, Ranipet District and to direct the 5th Respondent to return her original certificates and documents collected during her Post-Graduate admission along with her Post-Graduate degree certificate, Transfer certificate and conduct certificate, within a time limit to be stipulated by this Hon'ble Court.

For Petitioner : Ms.K.Dhivyashree

For Respondents : Mr.K.Tippu Sultan
Government Advocate

ORDER

Heard Ms.K.Dhivyashree, learned counsel for the petitioner and Mr.K.Tippu Sultan, learned Government Advocate for the respondents.

2. This Writ Petition is filed by a medical doctor, who seeks a mandamus directing the respondents to treat the bond period as completed, relieve her from bonded service in the Government Headquarters Hospital, Walajahpet, Ranipet District and to direct R5 to return her original certificates and documents submitted by her during the admission for Post-Graduate course.

3. The petitioner had completed her MBBS degree from Stanley Medical College and Hospital in the year 2019. In 2020, she joined MS Obstetrics and Gynaecology in Madras Medical College/R5. According to her, at that time,



apart from execution of bond for a sum of Rs.40 lakhs, undertaking that she would serve the State for a period of two years after completion of her post graduate course, she submitted all her original certificates including 12th standard mark sheet, community certificate and other documents.

4. She states that she was deputed to render covid duty in R5 college and Rajiv Gandhi General Hospital from 01.07.2020 to 31.08.2021 for a period of one year and two months. She has also applied for and obtained a certificate for covid duty, which she has placed at page 20 of the compilation accompanying the typed set.

5. That certificate is signed by the Professor of Obst. & Gynaec, IOG, Madras Medical College, Govt. Hospital for Women & Children, Egmore, Chennai – 600 008 and counter signed by the same person. Since the said certificate has not been signed by the Head of the Department and counter signed by the Dean, the said certificate is not the worth paper in which it is written and it is to be eschewed.

6. Based on this certificate, mysteriously obtained, the petitioner claims that she has completed covid duty of one year and two months. She also relies on G.O.Ms.No.351 dated 27.10.2023 which reduces the bond period from two years to one year in certain stipulated conditions.



7. A counter affidavit has been filed by the respondents, wherein R5 states that the petitioner has rendered covid duty for 26 days only as per the duty roster, tabulated as follows:

<i>S.No.</i>	<i>Covid Duty Periods</i>		<i>Total Days</i>	<i>Quarantine Days</i>
	Commencement	Completion		
1	28.07.2020	31.07.2020	4 days	8 days
2	10.09.2020	16.09.2020	7 days	7 days
3	Quarantine days		15 days	

8. That apart, they state that covid duty certificates from 21.04.2020 to 30.04.2022 have been issued to the post graduate students only for the purpose of applying for MRB. On that point, the first Bench in W.P.Nos.25827, 25785 and 27568 of 2023, decided on 16.11.2023, has settled the position that, both for the purpose of Under Graduate (UG) as well as Post Graduate (PG) medical education, the duties performed during covid period/treating covid patients should be treated as eligible duty.

9. However, in the present case, this aspect of the matter is not relevant as the period of covid duty rendered by the petitioner is only 26 days. This aligns with the tabulation circulated by the learned Government Advocate, signed by Medical Registrar and counter signed on behalf of Director and Professor, IOG and Government Hospital for Women and Children, Chennai dated 08.07.2024.



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10. It is unfortunate that by virtue of the utter negligence of the respondent authorities in issuing covid duty certificates without any heed to the actual service rendered by the candidates, Doctors are emboldened to file such Writ Petitions taking the precious time of the Court in deciding the same. This action of the petitioner is seriously deprecated.

11. There is a direction to R2, Director of Medical Education to forthwith initiate disciplinary action against the signatory of the covid duty certificate (undated, issued in the case of Dr.Gayathri K (TNMC Registration No.139728, placed at page 20 of the typed set).

12. This Writ Petition is dismissed. No costs.

15.07.2024

Index : Yes/No

Speaking Order:Yes

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.

DR.ANITA SUMANTH, J.

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Represented by the Director of Medical Education,



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