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W.P.Nos.18282 & 18284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.18282 & 18284 of 2024

Himani Debbarma ...Petitioner in W.P.No.18282 of 2024

Thotup Gyatso Bhutia ...Petitioner in W.P.No.18284 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,
Kilapuk, 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. Government Madras Medical College,
Represented by its Dean,
Chennai-600 010.
- ...Respondents in both W.P's



Prayer in W.P.No.18282 of 2024: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the Respondent No.5 to cancel the bond in terms of already existing bond with the Government of Tripura and 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 two years six months by the petitioner and to direct the 1st and 5th respondent to return the petitioner's original certificates and documents collected by the 1st and 5th respondent while admitting the petitioner to the Post Graduate degree course along with his Post Graduate degree certificate within a time frame to be fixed by this Hon'ble court.

Prayer in W.P.No.18284 of 2024: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the Respondent No.5 to cancel the bond in terms of already existing bond with the Government of Sikkim and 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 two years six months by the petitioner and to direct the 1st and 5th respondent to return the petitioner's original certificates and documents collected by the 1st and 5th respondent while admitting the petitioner to the Post Graduate degree course along with his Post Graduate degree certificate within a time frame to be fixed by this Hon'ble court.

In both W.P's:

For Petitioner : Mr.M.G.Pranavacharan

For Respondents : Ms.M.Sneha

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.



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2. The petitioners have filed these Writ petitions seeking to direct the 5th respondent to cancel the bond in terms of already existing bond with the Government of Tripura and Sikkim respectively and to consequently 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 two years six months by the petitioners and in furtherance direct the 1st and 5th respondents to return the petitioners' original certificates and documents collected while admitting the petitioners to the Post Graduate degree course along with their Post Graduate degree certificate.

3. The case of the petitioners is that, the petitioners have completed their graduation in MBBS course in the year 2017 from Agartala Government Medical College, Tripura and Sikkim Manipal Institute of Medical Sciences, Sikkim respectively. Thereafter, they pursued their Post Graduation in Doctor of Medicine in the 5th respondent college under the Non-Service candidates category. However, at the time of admission, the petitioners have executed a bond, as per which, the petitioners have to serve the 1st respondent state for a period of two years, after completion of PG course, failing which, they have



to pay a sum to Rs.40,00,000/- to the 4th respondent and the petitioners have also handed over their educational certificates to the 5th respondent. It is pertinent to note that, during Covid-19 pandemic, the petitioners served the State as front line warriors and treated numerous Covid-19 patients in the 5th respondent college cum hospital. However, the said service rendered by the petitioners was not adjusted with the period for which they have to serve the 1st respondent state and the petitioners were not issued with Covid Duty certificate in their favour, in line with G.O.Ms.No.371 dated 18.11.2023 and no relieving order was issued in their favour and their original documents/ certificates were retained by the 5th respondent, despite the letters dated 07.02.2024 and 06.02.2024 sent by the respective petitioners. Hence, these Writ petitions.

4. Learned counsel for the petitioners submitted that, during Covid-19 pandemic, the petitioners served the State as front line warriors and treated numerous Covid-19 patients in the 5th respondent college cum hospital, however, the same was not favourably considered by the respondents and the period for which they had actually treated covid-9 patient out to have been



off-set with the bond period. However, in the present case on hand, the petitioners are treated unequally and were denied of adjustment of the said period, which is wholly unsustainable. Learned counsel further submitted that, prior to joining the 5th respondent college, the petitioners have already executed bond in their native states and, therefore, once again directing the petitioners to serve bond period in the State of TamilNadu is wholly unsustainable. Accordingly, he prayed for appropriate orders.

5. Learned counsel appearing on behalf of the respondents submitted that, admittedly, the petitioners secured PG admission in the State of Tamil Nadu and at the time of admission they executed a bond agreeing to serve the State of Tamil Nadu and thereby, the State spend huge amount on the petitioners and also paying stipend to the petitioners. While so, refusing to serve the State as per the bond executed by them cannot be acceded to. Unless, the petitioners completed the bond period with the State or pay the amount as stipulated in the bond, their original certificates cannot be returned to them.



6. Heard learned counsel on either side and perused the material documents placed on record.

7. Admittedly, the petitioners, after completing their Under graduation in MBBS course in the year 2017 and thereafter, they pursued their Post Graduation in Doctor of Medicine in the 5th respondent college under the Non-Service candidates category and at the time of admission, the petitioners have executed a bond, as per which, the petitioners have to serve the 1st respondent state for a period of two years, after completion of PG course, failing which, they have to pay a sum to Rs.40,00,000/- to the 4th respondent and the petitioners have also handed over their educational certificates to the 5th respondent.

8. It is the major grievance of the petitioners that, during Covid-19 pandemic, though the petitioners served the State as front line warriors and treated numerous Covid-19 patients in the 5th respondent college cum hospital, pursuant to the directions of the State, however, the said service rendered by the petitioners was not adjusted with the period for which they



have to serve the 1st respondent state and the petitioners were not issued with Covid Duty certificate in their favour, in line with G.O.Ms.No.371 dated 18.11.2023 and till date, no relieving order was issued in their favour and their original documents/certificates were retained by the 5th respondent.

9. Though such a contention has been advanced by the petitioners, however, the fact remains that the petitioners have neither completed the undertaking given while doing the Undergraduate course nor the Post Graduate course in the State. Merely because the petitioners allege that they were discharging COVID duties cannot be the basis to accede to the request of the petitioners. When the petitioners, with open eyes, have accepted to render service in terms of the bond, it is incumbent on them to complete the period of bond. Further, the period during COVID, the petitioners were students and they had not obtained the requisite qualifications to be considered as medical practitioners to consider their period for the purpose of setting off their bond period. When the State had invested huge sums of money on the students to equip them with knowledge and put them into use by imposing bond conditions, the petitioners cannot try to wriggle out of the



W.P.Nos.18282 & 18284 of 2024

same by citing that they had rendered service during COVID period which should be considered towards the period of bond. The said stand of the petitioners cannot be accepted as it would be nothing but constricting the State from seeking to enforce the bond conditions. Unless the petitioners complete the period of bond, the certificates cannot be returned and thereby, no affirmative directions can be issued in favour of the petitioners.

10. For the reasons aforesaid, these Writ Petitions stand dismissed. No costs.

24.10.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No



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To:

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2. Directorate of Medical Education and Research,
Represented by the Director of Medical Education and Research,
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Represented by its Chairman,
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M.DHANDAPANI, J.

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