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W.P. No.23193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2024

CORAM: JUSTICE N.SESHASAYEE

W.P. No.23193 of 2023

Sharath Kumar V

... Petitioner

Vs.

1.The State of Tamil Nadu

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

2.Directorate of Medical Education

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

3.The Registrar

The Tamil Nadu Dr.M.G.R. Medical University
69, Anna Salai
Guindy
Chennai - 600 032

4.The Dean

Madras Medical College
Chennai - 600 003

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the 2nd and 4th respondent to return the original certificates submitted by the petitioner at the time of admission to M.Ch Surgical Gastroenterology course in the 4th respondent institution.

For Petitioner : Mr.Dinuprashanth. S

For Respondents : Mr.S.Silambannan, AAG
Assisted by Mr.C.Kathiravan,
for respondents 1, 2 and 4

M/s.Ramalingam & Associates for R3

ORDER

The petitioner herein has completed his super-speciality course in M.Ch. Surgical Gastroenterology from Madras Medical College between June 2019 and May 2022. At the time of his joining the course, he had executed a bond wherein he had undertaken to serve the Government Hospital for a period of two years.

2. On the basis of the dictum in *State of Tamil Nadu and others v P.S.Sairam* [2020 7 MLJ 513], the term for serving the two years period in terms of the



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bond will commence immediately on the completion of the course. Therefore, the petitioner should be serving from June 2022 to May 2024. Now, 19 months have elapsed. As of today, only five months remain to be served.

3. In the meantime, the petitioner has served under Covid special duty for 178 days and in terms of the ratio in ***Dr.Jayakrishnan M.P. v. The State of Tamil Nadu***, [W.P. No.26556 of 2022, dated 02.02.2023] and followed by me in ***Dr.Patil Mandar Pradip and another v. State of Tamil Nadu***, [W.P. No.22894 of 2023 dated 09.08.2023] the period during which the petitioner has been prosecuting his post-graduation or a super speciality course must be given credit against the bond period. Inasmuch as the petitioner has served nearly six months, the entire bond period has already expired. In other words, the petitioner is discharged of any obligation to serve in terms of the bond that he had executed. Accordingly, the second respondent is directed to return the original certificates submitted by the petitioner at the time of his admission to M.Ch. Surgical Gastroenterology, forthwith.

4. In fine, this writ petition stands disposed of with the above direction. No costs.



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5. Post the matter on 19.01.2024 under the caption 'for reporting compliance'.

04.01.2024

Asr

Index : Yes/No

Speaking/Non-speaking order

To

1.The State of Tamil Nadu

Represented by its Principal Secretary
Health and FamilyWelfare Department
Secretariat, Fort St. George
Chennai - 600 009.

2.Directorate of Medical Education

Represented by the Deputy Director
of Medical Education
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3.The Registrar

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4.The Dean

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5.The Government Pleader

High Court, Madras.



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N.SESHASAYEE, J.,

Asr

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