



W.P.No.23186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM : JUSTICE N.SESHASAYEE

W.P.No.23186 of 2023

Sourah Jindal

... 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.The Directorate of Medical Education

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

3.The Registrar

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

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus, directing the 2nd and 4th respondent to



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return the original certificates submitted by the petitioner at the time of admission to M.Ch. Surgical Gastroenterology 2019-2022 course in the 4th respondent institution.

For Petitioner : Mr.Dinuprashanth.S

For Respondents : Mr.J.Ravindran,
Additional Advocate General
Assisted by Mr.M.Bindran
Addl Government Pleader [R1, R2 &R4]

M/s.Ramalingam & Associates for R3

ORDER

1.1 The petitioner having completed his post graduation decree, and upon completing his NEET examination, was offered a seat in the fourth respondent-College for a super speciality course in gastroenterology in May '2019. At the time of joining the course, he had executed a bond to serve in a Government Hospital for a period of two years. He completed his course in May '2022, but no placements were given to him in Government hospitals for fulfilling his bond-obligations despite his several representations made to the second respondent.

1.2. The petitioner has brought to the notice of the Court that similarly

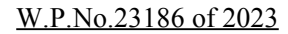


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placed medical students have approached this Court in a batch of writ petitions in W.P.No.31141 of 2022 & batch etc., for return of their original certifications, wherein this Court vide its order dated 23.11.2022, had directed the respondent concerned to return the original certificates of the students, and required that the petitioners shall wait for a period of four months, within which time the Government shall conduct counselling and issue appointment orders and utilise their services of bond period. However, even after the time prescribed by this Court, no posting order was provided, nor their original certificates was returned. Thereafter several representations were made in this regard, but no response. Hence, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.M.Bindran, learned Government Pleader for the respondents 1,2 & 4 and M/s.Ramalingam & Associates for the third respondent.

3.1 The learned counsel appearing for the petitioner relied on the ratio in ***State of Tamil Nadu and others Vs P.S.Sairam*** [2020 7 MLJ 513], where it was held that this period of two years should be reckoned from the month



3.2 The learned counsel for the petitioner further submitted that the petitioner had served in COVID duty for about six months, and if it is given credit to, then the entire bond period will get discharged. He added that irrespective of giving credit to the COVID duty period, in terms of the G.O.(Ms). No.49 Health and Family Welfare (MCA-1) Department, dated 28.02.2024, the petitioner would still be discharged of his obligation under the bond executed, since the bond period was brought down from two years to one year. If so, the bond executed by the petitioner would come to an end by May '2023 itself.

4. Since the petitioner is discharged of all his obligation in terms of the bond he had executed, it is obligatory on the part of the respondents concerned to return the original certificates to the petitioner herein, as prayed for.

5. In conclusion, this petition is allowed, and the respondent concerned is



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now directed to return the original certificates of the petitioner collected by them at the time of his admission to super speciality course M.Ch. Surgical Gastroenterology 2019-2022, within a period of two weeks from the date of receipt of a copy of this order. No costs.

12.03.2024

Index : Yes / No

Speaking order / Non-speaking order
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To:

- 1.The Principal Secretary
State of Tamil Nadu
Health and Family Welfare Department
Secretariat, Fort St.George
Chennai - 600 009.
- 2.The Deputy Director of Medical Education
Directorate of Medical Education
Kilpauk, Chennai - 600 010.
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N.SESHASAYEE.J.,

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