



W.P.No.23574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM : JUSTICE N.SESHASAYEE

W.P.No.23574 of 2023  
and WMP.Nos.23090 & 23091 of 2023

Dr.Sadiqa Nasreen H

... Petitioner

Vs

- 1.The State of Tamil Nadu  
Represented by its Principal Secretary  
Health and Family Welfare Department  
Secretariat, Chennai - 600 009.
- 2.The Directorate of Medical Education  
Represented by the Director of Medical Education  
Kilpauk, Chennai - 600 010.
- 3.The Directorate of Medical and Rural Health Services  
Represented by the Director of Medical Health and  
Rural Health Services  
359, Anna Salai, Chennai - 600 006.
- 4.The Directorate of Public Health and  
Preventive Medicine  
Represented by the Director of Public Health  
and Preventive Medicine  
359, Anna Salai, Chennai - 600 006.
- 5.The Joint Director of Health Services  
Mayiladuthurai.



W.P.No.23574 of 2023

6.The National Medical Commission  
Represented by its Secretary  
Pocket 14, Sector-8, Dwarka Phase I  
New Delhi - 110 077.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of fifth respondent contained in the notice bearing Na.Ka.No.647/Ni/2023, dated 17.07.2023, and to quash the same as arbitrary, unjust and illegal.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.J.Ravindran,  
Additional Advocate General  
Assisted by Mr.M.Bindran  
Additional Government Pleader [R1 to R5]

Ms.Shubharanjani Ananth for R6

### ORDER

This petition is filed challenging the notice issued under the Revenue Recovery Act for breaching the conditions of the bond, which was executed by the petitioner at the time when she joined the PG course in Medicine.

2. The facts are :

a) The petitioner joined the post graduation course in General



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W.P.No.23574 of 2023

Medicine in May 2019, and completed her course in May 2022.

In terms of the bond, she is required to serve in the Government Hospital for a period of two years. This two year period will expire by May 2024. However, during the pendency of this writ petition, the Government came out with G.O.(Ms) No.49 [Health and Family Welfare (MCA-1) Department dated 28.02.2024, by which it reduced the total bond period from two years to one year. This implies that the bond period would expire by May 2023.

- b) Be that as it may, the petitioner was served with an order of appointment dated 16.02.2023 to serve at the Government Hospital, Poraiyar at Mayiladuthrurai for a period of one year and six months as a Assistant Surgeon. Since the appointment order is not commensurate with the qualification of the petitioner, the petitioner did not join the duty.
- c) It is in this circumstances, the fifth respondent issued a notice dated 17.07.2023, under the Revenue Recovery Act to realize the sum stated in the bond, which is realizable by the Government, in the event of petitioner breaching the undertaking given to serve the Government as per bond.

This is now under challenge.



W.P.No.23574 of 2023

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3. Heard Mr.Suhrith Parthasarathy, learned counsel for the petitioner, Mr.J.Ravindran, Additional Advocate General, assisted by Mr.M.Bindran, the learned Additional Government Pleaders for respondents 1 to 5, and Ms.Shubaranjani Ananth, learned counsel for the 6th respondent.

4. The learned counsel for the petitioner circulated a copy of the order of the learned Single Judge of this Court dated 20.12.2023 in W.P.No.35626 of 2023, in which a batch of post-graduate students including the present petitioner had sought a direction to treat the period during which they served in COVID to get adjusted against the bond period, and this petition came to be allowed.

5. This Court has taken note of the fact that the present petitioner ( who is the 11<sup>th</sup> petitioner in W.P.No.35626 of 2023) has served two years and 37 days in COVID duty, and it proceeded to direct that the said period be adjusted against the bond period. Now inasmuch as the petitioner had served in excess of two year period required to be served under the bond, it is axiomatic that the petitioner has discharged the obligation imposed on her by the bond. The learned counsel submitted that in view of this order, the



W.P.No.23574 of 2023

petitioner's certificates too have been handed over to her. What remains to be done is to drive the last nail in the coffin. Nothing can survive vis-a-vis the impugned notice and it shall now go.

6. In conclusion, this petition is allowed, and the impugned proceedings of the fifth respondent dated 17.07.2023, is hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed.

12.03.2024

Index : Yes / No  
Speaking order / Non-speaking order  
ds



W.P.No.23574 of 2023

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WEB COPY

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W.P.No.23574 of 2023

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W.P.No.23574 of 2023

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