



W.A.No.3087 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Writ Appeal No.3087 of 2024

Dr.D.Abisharthini,
M.S.Obstetrics and Gynaecology
W/o. K.Sabareesan,
18G, Srnivasa Colony,
1st cross newpet Krishnagiri 635 001.

... Appellant

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
2. Directorate of Medical Education,
Rep. by the Director of Medical Education,
Kilpauk, Chennai 600 010.
3. Directorate of Medical and Rural Health Services,
Rep. by the Director of Medical Health and
Rural Health Services,
359, Anna Salai, Chennai 600 006.



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4. Directorate of Public Health and Preventive Medicine
Rep. by the Director of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai 600 006.

5. The Dean
Govt. Thanjavur Medical College and Hospital,
Medical College Road, Thanjavur,
PIN 613 004.

... Respondents

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to allow the
Writ Appeal and set aside the order dated 21.06.2024 made in WP No.965 of
2024.

For Appellant	: Mr.V.Kathirvelu
For Respondents	: Ms.M.Sneha Special Counsel

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Aggrieved by the order of the Writ Court dismissing her Writ
Petition where she sought for a Mandamus to treat the two year compulsory
bond period as completed by taking into account the service done by her



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during Covid period, the appellant has come up with this Writ Appeal.

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2. The appellant joined the Post Graduate Medical Course on 31.05.2018. At the time of joining the course, she had executed a bond undertaking to serve the Government for two years. She successfully completed her course on 31.05.2021, the bond period which commences on 01.06.2021 would end on 31.05.2023. This Court in *The State of Tamil Nadu, through its Secretary, Department of Health & Family Welfare and another vs. P.S.Sariram and others*, reported in *2020 SCC Online (Mad) 2742*, has held that the bond period will be co-terminus with the date of successful completion of the course. If the Government does not issue a posting order within two years of completion of the course, then the bond will get discharged automatically. If a posting order is issued within two years from the date of successful completion, the candidate would be required to serve the remaining period and not the entire two years period.

3. In the case on hand, the appellant was issued a posting order on 07.07.2022, she joined on 15.07.2022. She works till 03.03.2023 when she went on maternity leave without rejoining after completion of the maternity leave, the petitioner sought for the above relief.



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4. The Writ Court had dismissed the writ petition on the ground that she would not be entitled to add the Covid duty to the service during the bond period and claimed to have completed the bond period. The Court also found certain discrepancies in the Covid duty certificate issued and has directed an enquiry into the issue. For the present, we are not called upon to decide as to what should be the further course of action by the Government in this regard.

5. Ms.Sneha, learned counsel appearing for the respondents would submit that a Division Bench of this Court in ***Dr.D.Dharma Kumaran and another vs. The State of Tamil Nadu, Rep by its Principal Secretary, Health and Family Department and others, made in WP No. 16937 of 2023 etc. dated 20.07.2023***, had held that the candidates cannot claim addition of Covid duty to their bond service.

6. In view of the above dictum of the Division Bench, we are unable to fault the Writ Court for having dismissed the Writ Petition on the conclusion that Covid period cannot be added for the bond service period. The Appeal is therefore **dismissed**. We make it clear that the appellant will



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serve only the remaining period that is the period between 04.03.2023 and 31.05.2023 i.e. a period of 89 days. Upon completion of 89 days of service, the Government will release her certificates. The Government will issue the Posting Orders within a period of two weeks from today. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
16.12.2024

jv
Index: No
Speaking order
Neutral Citation: No

To

1. The Principal Secretary,
Government of Tamil Nadu,



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Health and Family Welfare Department,
Secretariat, Chennai 600 009.

2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Director of Medical Health and
Rural Health Services,
Directorate of Medical and Rural Health Services,
359, Anna Salai, Chennai 600 006.
4. The Director of Public Health and
Preventive Medicine,
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(jv)

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