



WEB COPY

W.P.No.35614 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.35614 of 2023

Dr.Prasanth S

.. Petitioner

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 its Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.Directorate of Medical and Rural Health Services
Rep. by its Director of Medical Health and Rural Health Services,
359, Anna Salai, Chennai - 600 006.
- 4.Directorate of Public Health and Preventive Medicine
Rep. by its Director of Public Health
and Preventive Medicine,
359, Anna Salai, Chennai - 600 006.
- 5.Madurai Medical College,
Rep. by its Dean,
Panagal Road, Alwarpuram,
Madurai - 625 050.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents to treat the petitioner's two year compulsory bond period as completed, and to consequently direct the 5th respondent to return the bank



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guarantee for a sum of Rs.40,00,000/- bearing No. 0011723BG0000034 dated 25.05.2023 to the petitioner.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader

ORDER

The petitioner is a Doctor, who had completed his Post Graduate Course in Radiodiagnosis from Madurai Medical College. At the time of joining the Post Graduate course, he had executed a bond along with a bank guarantee for a sum of Rs.40 lakhs undertaking that he would render service for the Government for a period of two years upon completion of the Post Graduate course. It is upon such execution of bond and furnishing of bank guarantee that the original documents required for admission into the Post Graduate Course were returned to him.

2. The petitioner has completed the Post Graduate course in April, 2022 successfully. Even prior thereto, on account of outbreak of the Covid 19 pandemic, he was called upon to render covid duty and has, admittedly, rendered such duty for a period of 2 years and 40 days between 11.03.2020 and 30.04.2022.

3. In terms of G.O.Ms.No. 371 dated 18.11.2023, he has been issued covid duty certificate confirming the aforesaid factual



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position. He now seeks return of bank guarantee bearing No.0011723BG0000034 dated 25.05.2023 to him as the conditions under the bond have been duly complied by rendition of covid duty.

4. Mr.Vadivelu Deenadayalan, learned Additional Government Pleader, who appears for the respondents has received detailed instructions to confirm both the dates that have been set forth in the paragraphs supra as well as the narration therein.

5. The petitioner was issued the posting order on 16.02.2023, wherein the duration of posting order was 1 year and 6 months bearing note of the fact that the same has been issued belatedly.

6. To be noted, the First Bench of this Court in *State of Tamil Nadu vs P.S.Sairam and others* (2020) 7 Madras LJ 513 has made it clear that the posting order under the bond must be issued immediately upon candidate having completed course and not belatedly. In any event, in the present case, the period of covid duty exceeds the duration mentioned in the regular posting order.

7. In light of the admitted position that the petitioner has rendered covid duty for a period of 2 years and 40 days, there is no further necessity or justification for the State to withhold the bank guarantee. Hence, mandamus is issued as sought for and R5 / Dean, Madurai Medical College is directed to return bank guarantee



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No. 0011723BG0000034 dated 25.05.2023 to the petitioner as and when he presents himself before him.

8. This writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

10.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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- 3.The Director of Medical Health and Rural Health Services,
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DR. ANITA SUMANTH,J.

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