



W.P.No.36232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.36232 of 2023

and

WMP.Nos.36219 & 36221 of 2023

Dr.N.Mohanapriya

...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 Public Health and Preventive Medicine,
Anna Salai, Teynampet,
Chennai – 600 086.
3. The Director of Medical and Rural Health Services,
No.359, Anna Salai,
Chennai.
4. The Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai - 600 010.
5. Government Hospital,
Thiruvallur,
J.N.Road, Thiruvallur – 602 001.

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent authorities to forthwith permit the petitioner to relieve from service and return all original certificates of the petitioner that were submitted by her at the time of her admission to the Post Graduate Degree Course, within a time period stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Kadhirvelu

For Respondents : Ms.N.Sneha, SC

ORDER

This Writ petition has been filed seeking direction to the respondents to return all original certificates of the petitioner that were submitted by her at the time of her admission to the Post Graduate Degree Course.

2. The case of the petitioner is that, at the time of admission to PG course in Madras Medical College, Chennai, the petitioner, being a non-service candidate executed a bond stating that she would serve the Government of Tamil Nadu for a period of 2 years and also submitted her original documents and certificates to the respondents as compulsory pre-condition. Further, the petitioner, during her 2nd and 3rd year of Post Graduation, worked in Covid-19 duty and even after completion of her PG course in May 2021, she again worked in Covid-19 duty during June and



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July, 2021. Further, it is pertinent to note that, the petitioner completed her PG course during May 2021 and the Bond period began from June 2021 and ended in May 2023, however, the petitioner received the posting order only on 07.07.2022 and she joined in service on 25.07.2022 and served till 15.05.2023 and thereafter, she went on maternity leave from 16.05.2023. Though, the bond period has ended by May 2023 itself, till date, the respondents have not returned the original documents and certificates of the petitioner submitted which were submitted by her at the time of admission and the respondents failed to issue relieving order in favour of the petitioner. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, though the petitioner completed her PG course during May 2021, even after completion of the course, for one year, the petitioner has not received any posting order and was not provided with any employment by the State of Tamil Nadu and she was issued with posting order only on 07.07.2022, which is after completion of half of the Bond period. While so, the delay in part of the respondents in issuing Posting orders, enabling the petitioner to complete the bond period cannot be held against the petitioner and retaining the



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original documents of the petitioner is wholly unsustainable. Accordingly, he prayed for appropriate orders of this Court directing the respondents to release the petitioner's original documents and certificates, as expeditiously as possible.

4. Learned counsel appearing for the respondents fairly submitted that, the petitioner has already served the bond period of two years and the petitioner's original documents and certificates will be returned to her within the time stipulated by this Court.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to return the petitioner's original documents and certificates which were submitted by her at the time of admission within a period of two weeks from the date of receipt of a copy of this order.



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7. With the aforesaid directions, this Writ petition stands disposed of.

No costs. Consequently, the connected Miscellaneous petitions are closed.

09.08.2024

skt

NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

Note to office: Issue order copy on 09.08.2024.

To

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Directorate of Public Health and Preventive Medicine,
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Chennai – 600 086.
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M.DHANDAPANI, J.

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