



W.P.(MD).No.2451 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2451 of 2024

Dr.Aishwarya Lakshmi

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
2. The Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai -10.
3. The Directorate of Medical And Rural Health Services,
Represented by the Director of Medical Health and
Rural Health Services, 359, Anna Salai, Chennai - 6.
4. The Directorate of Public Health and Preventive Medicine,
Represented by the Director of Public Health and Preventive Medicine,
359, Anna Salai, Chennai - 6.
5. KAP Viswanatham Government Medical College,
Represented by its Dean,
Periyamilaguparai, Collectors Office Road,
Tiruchirappalli - 1.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to treat the petitioner's two years compulsory bond period of service as completed and to consequently to relieve the petitioner from her bonded period service and to direct the respondents 2 and 5 to return the petitioner's entire original certificates and other documents collected by the 5th respondent while admitting the petitioner to pursue the post graduate degree course along with her post graduate degree certificate, forthwith.

For Petitioner : Mr. V.Lakshmanan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to treat the petitioner's two years compulsory bond period of service as completed and to consequently relieve the petitioner from her bonded period service and to direct the respondents 2 and 5 to return the petitioner's entire original certificates and other documents collected by the 5th respondent while admitting the petitioner to pursue the post graduate degree course along with her post graduate degree certificate, forthwith.



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2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner has completed her post graduate course in M.S.General Surgery in the 5th respondent College from 01.05.2019 to 30.04.2022. While she was pursuing her post graduate course, COVID-19 pandemic had struck and she was inducted into the service for performing COVID-19 duty for a period of 2 years and 37 days, ie., from 24.03.2020 to 30.04.2022. While entering into her PG course, her entire original certificates were submitted before the 5th respondent. Even after completion of her course, those certificates were not returned to the petitioner and the same were retained by the respondents. That apart, while joining in the post graduate course, she



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has executed a compulsory bond with the Government for the purpose of serving in rural areas of Tamil Nadu for a period of two years.

(ii).After completion of the course, the petitioner was appointed by the fourth respondent vide order, dated 06.12.2022 as Assistant Surgeon at Government Hospital, Thirumangalam and she was directed to work for the remaining period as per compulsory bond agreement, ie., 1 ½ years from the date of joining duty. The petitioner has duly joined duty on 14.12.2022. Since she had served 2 years and 37 days ie., from 24.03.2020 to 30.04.2022 during Covid-19 pandemic period, she made a representation on 19.01.2024 to the respondents 2 and 5 requesting to adjust her duty period rendered during Covid-19 towards the bonded period. However, the same was not considered. Hence, this writ petition came to be filed.

5.The *lis* in hand is no more *res-integra* and this Court has dealt with similar cases in umpteen number of cases, in W.P.No.33228 of 2023 batch, dated 07.12.2023, wherein, favourable orders have been passed by this Court to the petitioners therein. For the sake of convenience, the relevant portion is extracted hereunder:



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“5. When these matters had come up for admission earlier, the respondents had been granted time to ascertain the Covid duty rendered by the petitioners and issue a certificate confirming the number of days of such duty. Now, the petitioners have received covid duty certificates in terms of G.O.Ms.No.371 dated 18.11.2023 and G.O.(MS.) No.278 dated 17.08.2023.

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7. In light of the above, nothing stands in the way of the petitioners being given the benefit of mandamus as sought, to treat the two year compulsory bond period as completed. In fact, in all the cases, they have rendered service in excess of the two years provided for under the Bond.

8. The petitioners are hence released from bonded Government service and there is a direction to the Deans of Chengalpet Medical College, Government Thoothukudi Medical College and Hospital, Government Nagapattinam Medical College and Hospital, Stanley Medical College, Thanjavur Medical College, Raja Mirasudhar Government Hospital, Thanjavur, Government Thiruvallur Medical College, Tirunelveli Medical College, K.A.P.Viswanathan Government Medical College, Trichy, Madras Medical College all arrayed as respondents in the Writ petitions to return their original certificates when the petitioners presents themselves before them, forthwith.”



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6.Fully fortified by the order passed by this Court as discussed supra, this Court hereby direct the respondents to treat the petitioner's 2 year compulsory bond period as completed, by adjusting the same with the service rendered by the petitioner during the COVID-19 period and consequently direct the respondents to relieve the petitioner from her bonded service. The respondents 2 and 5 are directed to return the petitioner's entire original certificates and other documents collected by the 5th respondent from the petitioner, while admitting her to pursue the post-graduate degree course along with her post-graduate degree certificate, forthwith.

7.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

13.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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