



W.P(MD)Nos.5456, 5525, 5777 & 5779 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)Nos.5456, 5525, 5777 & 5779 of 2024

W.P(MD)No.5456 of 2024:

G.Santhosh Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
- 2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai-600 010.
- 3.Directorate of Public Health and Preventive Medicine,
Represented by its Director of Public Health and Preventive
Medicine, 359, Anna Salai,
Chennai-600 006.
- 4.The Dean,
Tirunelveli Medical College,
Represented by its Dean, Highground,
Tirunelveli-627 011.
- 5.The Joint Director of Health Services,
Tiruvarur.



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6.The Director,
Directorate of Medical and Rural Health Services,
Chennai.

7.The Hospital Superintendent,
Government Headquarters Hospital,
Mannargudi, Tiruvarur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.1 to 7 to treat the petitioner's two year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to consequently relieve the Petitioner from his bonded service in the 7th Respondent Hospital and also to direct the 2nd, 4th, 5th and 7th Respondent to return the Petitioner's Original certificates and documents collected by the 2nd and 4th Respondent while admitting the petitioner to the Post Graduate degree course along with his post Graduate degree certificate within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Raghaev

For Respondents : Mr.C.Baskaran
Government Advocate

W.P(MD)No.5525 of 2024:

G.John Fernando

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.



W.P(MD)Nos.5456, 5525, 5777 & 5779 of 2024

2. Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai-600 010.
 3. Directorate of Public Health and Preventive Medicine,
Represented by its Director of Public Health and Preventive
Medicine, 359, Anna Salai,
Chennai-600 006.
 4. The Dean,
Tirunelveli Medical College,
Represented by its Dean, Highground,
Tirunelveli-627 011.
 5. The Director,
Medical and Rural Health Services,
Chennai.
 6. The Dean,
Government Medical College Hospital,
Virudhunagar.
 7. The Director,
Directorate of Medical Education and Research,
Chennai .
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.1 to 7 to treat the petitioner's two year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to consequently relieve the Petitioner from his bonded service in the 6th Respondent Hospital and also to direct the 2nd, 4th, 6th and 7th Respondent to return the Petitioner's Original certificates and documents collected by the 2nd and 4th Respondent



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while admitting the petitioner to the Post Graduate degree course along with his post Graduate degree certificate within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Raghaev

For Respondents : Mr.J.John Rajadurai
Government Advocate

W.P(MD)No.5777 of 2024:

Krishna Suresh

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
- 2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai-600 010.
- 3.Directorate of Public Health and Preventive Medicine,
Represented by its Director of Public Health and Preventive
Medicine, 359, Anna Salai,
Chennai-600 006.
- 4.The Dean,
Tirunelveli Medical College,
Represented by its Dean, Highground,
Tirunelveli-627 011.
- 5.The Joint Director of Health Services,
Tiruvavur.



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6.The Director,
Medical and Rural Health Services, Chennai.

7.The Hospital Superintendent,
Government Headquarters Hospital,
Mannargudi, Tiruvarur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.1 to 7 to treat the petitioner's two year compulsory bond period as completed in line with the service rendered during the Covid-19 period and to consequently relieve the Petitioner from his bonded service in the 7th Respondent Hospital and also to direct the 2nd, 4th, 5th and 7th Respondent to return the Petitioner's Original certificates and documents collected by the 2nd and 4th Respondent while admitting the petitioner to the Post Graduate degree course along with his post Graduate degree certificate within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Raghaev

For Respondents : Mr.R.Ragavendran
Government Advocate

W.P(MD)No.5779 of 2024:

Aarthi Prabha

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.



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2. Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai-600 010.
 3. Directorate of Public Health and Preventive Medicine,
Represented by its Director of Public Health and Preventive
Medicine, 359, Anna Salai,
Chennai-600 006.
 4. The Dean,
Tirunelveli Medical College,
Represented by its Dean, Highground,
Tirunelveli-627 011.
 5. The Joint Director of Health Services,
Tenkasi.
 6. The Director,
Directorate of Medical and Rural Health Services,
Chennai.
 7. The Hospital Superintendent,
Government Hospital,
Sivagiri, Tenkasi.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.1 to 7 to treat the petitioner's two year compulsory bond period as completed in line with the service rendered during the Covid 19-period and to consequently relieve the Petitioner from her bonded service in the 7th Respondent Hospital and also to direct the 2nd, 4th, 5th and 7th Respondent to return the Petitioner's Original certificates and documents collected by the 2nd and 4th Respondent while admitting the petitioner to the Post Graduate degree course along with



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her post Graduate degree certificate within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Raghaev

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petitions have been filed seeking direction to the Respondent No.1 to 7 to treat the petitioners' two year compulsory bond period as completed in line with the service rendered during the Covid 19-period and to consequently relieve the Petitioners from their bonded service in the respective Respondent Hospital and also to direct the respective Respondents to return the Petitioner's Original certificates and documents collected by the 2nd and 4th Respondent while admitting the petitioners to the Post Graduate degree course along with their post Graduate degree certificate within a time frame to be fixed by this Court.

2. The petitioners are MBBS graduates and are registered Medical Practitioners. Subsequently, they pursued and completed their post graduation from Tirunelveli Medical College in May 2023. At the time of admission to the course, they executed a bond for a sum of Rs.40,00,000/- (Rupees Forty



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Lakhs), undertaking that after completion of the course, they would serve the State for two years and submitted their original certificates with the respondent authorities. Within a few months of commencing their post graduation course at Tirunelveli Medical College, COVID-19 pandemic had struck and they were inducted into the service for performing COVID-19 duty. The details of their PG course, duration of COVID-19 duty and the place of posting after completion of PG and their bond term are extracted as follows.

S. N o s.	W.P number	Name of the Petitioner	PG course	Duration of Covid-19 duty	Presently posted	Bond Term
1.	W.P(MD)Nos.5456, 5525, 5777 & 5779 of 2024	J.Aarthi Prabha	M.D (General Medicine) June 2020 to May 2023	01.06.2020 to 04.05.2023 (more than 2 years 11 months)	Government Hospital, Sivagiri, Tenkasi. Date of joining order: 11.10.2023 Joined on: 01.11.2023	1 year 7 months From the date of joining at posted place
2.	W.P(MD)No.5525 of 2024	G.John Fernando	M.S (Orthopaedics) June 2020 to May 2023	01.06.2020 to 04.05.2023 (2 years 11 months 4 days)	Government Medical College Hospital, Virudhunagar Date of joining order: 11.10.2023 Joined on: 27.10.2023	1 year 7 months from the date of joining at posted place



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3.	W.P(MD)N o.5777 of 2024	Krishna Suresh	M.D (General Medicine) June 2020 to May 2023	26.06.2020 to 04.05.2023 (2 years 10 months 9 days)	Government District Headquarters Hospital, Mannargudi. Date of joining order: 14.12.2023 Joined on: 14.12.2023	1 year 7 months from the date of joining at posted place
4.	W.P(MD)N o.5456 of 2024	G.Santhosh Kumar	M.D (General Medicine) June 2020 to May 2023	01.06.2020 to 04.05.2023 (2 years 11 months 4 days)	Government District Headquarters Hospital, Mannargudi. Date of joining order: 01.11.2023 Joined on: 01.11.2023	1 year 7 months from the date of joining at posted place

3. Precisely, all of them have served in the Covid duty for more than two years and they were also duly provided with Covid-19 duty certificate for the period, for which they served as per G.O(Ms)No.371, dated 18-11-2023. In the meanwhile, they have completed their post graduation degree in May 2023 and they were directed to join as Assistant Surgeons in various destinations as extracted in the tabular column supra.



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4. For a period of one year and seven months towards the purpose of satisfying the bond, the petitioners have duly joined their duty on various dates. However, these writ petitions came to be filed by the petitioners seeking to direct the respondents 1 to 6 to treat the petitioners two years compulsory bond period as completed, by adjusting with the service rendered by them during the Covid-19 period for a span of 2 years, 11 months and more as detailed in the tabular column supra. They have further requested to consequently relieve them from their bonded service in the respective hospitals where they are currently serving and also to direct the respondents 2, 4 and 5 to return their original certificates and documents collected by the second and fourth respondents while admitting them to the post graduate degree course along with their post graduate degree certificate.

5. The *lis* in hand is no more *res integra* and this Court has dealt with a couple of cases in W.P.No.26556 of 2022, dated 02-02-2023 and W.P.No. 22894 of 2023, dated 08-09-2023, wherein favourable orders have been passed by this Court to the petitioners therein. For the sake of convenience, the relevant portion of the writ petition in W.P.No. 22894 of 2023 is extracted here under:



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“3.In Dr.Jayakrishnan M.P. and others vs. The State of Tamil Nadu and others in W.P. No.26556 of 2022 dated 02.02.2023. this court has faced the identical question and it answered the same as follows:

"8. It is however contended by the learned counsel for the petitioners that those Government Doctors, who had completed their Post Graduation and did Covid-19 duty were favourably considered by the respondents and the period for which they had actually treated Covid-19 patients were off-set with the two years period of any Government Service. It is therefore contended that the petitioners are treated unequally and that they were studying Super Specialty Courses after completing their Post Graduation. It is contended that when Post Graduates, who had rendered service by treating covid-19 patients were accommodated by the respondents, there was no plausible reason advanced for the petitioners to be denied of adjustment of that period.

9. The only issue therefore to be examined by this Court is whether the rendering of service to Covid-19 patients while a student can be considered favourably by the respondents for that period to be off-set with the two years of Government Service, which is expected to be discharged in issue of the bonds executed.

10. It is an admitted case that treatment of Covid-19 patients, by Post Graduate students, post completion of their course is accepted as part of the two years bond period. The petitioners herein after completion of their Post Graduation had joined Super Specialty Courses. While they were students



in the various Super Specialty Courses, they had rendered service treating Covid-19 patients.

11. The core issue is that the petitioners had actually volunteered, as medical professionals as front line warriors, helping out those, who had suffered from Covid-19. The fact that the petitioners did so offer their service is not in doubt and not disputed by the respondents herein.

12. The only aspect is that the petitioners were unfortunately studying Super Specialty Courses at that particular point of time. The core issue is thus the voluntary offering of medical service to treat Covid-19 patients. Voluntarily offering themselves to treat Covid-19 patients could be by Post Graduates and incidentally also by those who are studying Super Specialty Courses after completing their Post Graduates course. The petitioners were studying Super Specialty Courses and I hold that the said fact should not be held against them. If they had avoided giving treatment to Covid 19 patients on the ground that they are studying Super Specialty Courses then, the petitioners could be found fault with. But they had also undergone the same risk and had treated the patients. The concept of adjustment of that service rendered during Covid19 is to also appreciated. The risk which the medical professionals had put themselves while treating the patients during the first phase of Covid-19 when vaccinations had not been discovered put every front line worker at risk. Many of suffered that risk.

13. Viewed from the angle of rendering of medical service either as students of Super Specialty courses as professionals, who had completed Post Graduation and not



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studying doing Super Specialty Courses, I hold that the risk which the petitioners had undergone has to be equated with the risk of every other medical professional.

14.The core element is purely offering services. If it had been so offered, then that fact should be appreciated. The only manner in which that could be appreciated is to adjust that particular service with the two years bond period is the argument.

15.I hold that the petitioners herein would be reasonably justified if they were to opine that they stood discriminated when compared with those Post Graduate, medical professionals, who were not studying Super Specialty Courses merely because they were students doing Super Specialty Courses.

16.Every medical professional would appreciate the service at that critical period. Appreciation should be extended not only to those, who had completed the course but also to those who were studying in Super Specialty Courses. A student, who is studying in Super Specialty Courses had also exposed, would himself or herself to the infection. Taken into consideration the specialised courses which they were undergoing and the stage of their career, they could have easily avoided that duty and sought protection on the ground that they were students. The petitioners did not avoid the call for duty.

17.I hold that the Government has to extend arm to them and adjust that particular service rendered towards the two years of bond service which they had to undergo. There is no refusal on their part to undergo the two years period but



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they only expect to seek adjustment of the period already spent while treating covid-19 patients.

18.I hold that the refusal by the respondents cannot withstand judicial scrutiny. It would also be discretionary as against the petitioners herein when they are compared with other medical professionals, who had actually completed their Post Graduate study as the petitioners. 19.I would therefore give a direction to the respondents to accommodate adjusting the period already completed with the bond period and return their educational certificates within a period of three weeks from the date of receipt of a copy of this order."

4.This court is in absolute concurrence with the finding of the learned single Judge of this court and hence directs the respondents to give credit to the period which the petitioners have served during Covid days in the bond period. Accordingly, the respondents 4 and 6 are required to return the original certificates of the petitioners along with their super specialty degree certificates, once they are discharged from their duties during bond period.

6. Fully fortified by the order passed by this Court as discussed supra, I hereby direct the respondents to give credit to the period, which the petitioners rendered during Covid for a period of more than 2 years commencing from 01-06-2020 and adjust the same with the petitioners bond period. Accordingly, the respondents 1 to 6 are directed to treat the petitioners' 2 year compulsory



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bond period as completed, by adjusting the same with the service rendered by the petitioner during the Covid-19 period. Consequently, I direct the 6th respondent to relieve the petitioner from their bonded service. The respondents 2, 4 and 5 are directed to return the petitioners' original certificates and the respondents 2 and 4 are directed to return the documents collected from the petitioners, at the time of admission to the postgraduate degree course along with their postgraduate degree certificate within a period of two (2) weeks from the date of receipt of a copy of this order.

7. Accordingly, these Writ Petitions stand allowed. No costs.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.



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3. The Director of Public Health and Preventive Medicine,
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10. The Hospital Superintendent,
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L.VICTORIA GOWRI, J.

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