



W.P(MD)No.11673 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11673 of 2024

M.Rathnakumar

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
- 2.Directorate of Medical Education and Research,
Rep. by the Director of Medical Education,
Kilpauk, Chennai – 600 010.
- 3.Directorate of Public Health and Preventive Medicine,
Rep. by its Director of Public Health and Preventive Medicine,
359, Anna Salai, Chennai – 600 006.
- 4.The Dean,
Government Madras Medical College,
Represented by its Dean,
Chennai.
- 5.The Joint Director of Health Services,
Ramanathapuram.
- 6.The Chief Medical Officer,
Government Headquarters Hospital
Paramakudi,
Ramanathapuram.



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7. Directorate of Medical and Rural Health Service,
Rep. by its Director, Chennai – 600 006.

... 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, to direct the Respondents No.1 to 7 to treat the petitioner's 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 also to direct the 2nd, 4th, 5th, 6th 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.M.Sarangan,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner is presently serving at Paramakudi under the fifth respondent. It is for this reason, I endorse the stand of the petitioner's counsel that this Court has territorial jurisdiction notwithstanding the strong opposition from the learned Additional Government Pleader.



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3.The petitioner after completing MBBS degree studied M.D. (Paed), in Madras Medical College, Chennai. The course was completed in May – June, 2023. At the time securing admission, the petitioner had executed bond undertaking to serve the State for a period of two years. The petitioner's case is that as a postgraduate student, he rendered covid-19 duty and that this period should be taken into account for computing the bond service. It is not in dispute that the bond period has been reduced from two years to one year. Writ petitions seeking similar relief had been allowed by me. It is also a fact that questioning the same, the State had preferred writ appeals and the same are pending before the Hon'ble Division Bench. Subject to the outcome of the writ appeals filed by the State, the fourth respondent is directed to return the petitioner's original certificates and other documents. The second respondent is also directed to relieve the petitioner by taking into account the covid – 19 duty. This shall be done as expeditiously as possible.

4.This writ petition is allowed accordingly. No costs.

06.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 10.06.2024.



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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 and Research,
Kilpauk, Chennai – 600 010.
3. The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
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Chennai – 600 006.



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G.R.SWAMINATHAN, J.

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