



W.P(MD)No.12175 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12175 of 2024

and

W.M.P(MD)No.10797 of 2024

Dr.G.Govindaraj Vardhanan

... Petitioner

Vs.

1.The Regional Passport Office,
O/o.The Regional Passport Officer,
New Municipal Complex,
Thillainagar,
7th Cross Street,
Tiruchirapalli,

2.The Director,
Government Aarignar Anna
Memorial Cancer Hospital,
Karapettai,
Kancheepuram.
***(R.2 is suo motu impleaded vide
order of this Court dated 10.07.2024)***

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned communication dated 08.04.2024 in File No. TR2075332593123 on the file of the respondent and quash the said



W.P(MD)No.12175 of 2024

communication as illegal and consequently directing the respondent to re-issue the passport to the petitioner within the time period stipulated by this Court.

For Petitioner : M/s.T.Seeni Syed Amma
For Respondents : Mr.M.Rajendran
Central Government Standing Counsel
for R.1

Mr.K.Balasubramani
Special Government Pleader for R.2

ORDER

Heard both sides.

2.The petitioner is a holder of an Indian passport. He applied for renewal. His request was not accepted by the passport officer primarily for the reason that the petitioner has not acted as per the bond conditions.

3.The learned Central Government Standing Counsel appearing for the first respondent as well as the learned Special Government Pleader appearing for the second respondent would state that the petitioner was serving the Tamil Nadu Government as Assistant Professor and that he underwent M.Ch(Surgical Oncology) at Government Kilpauk Medical College, Chennai. The course was completed in 2008. After completion



W.P(MD)No.12175 of 2024

of super speciality course, he served the institution from August 2008 to February 2011. He remained unauthorisedly absent ever since. The petitioner was therefore departmentally dealt with and removed from service.

4. According to the employer, the petitioner had breached the bond condition. Either he must pay a sum of Rs.10 Lakhs towards damages or serve the Government till her superannuation. But he served the Government only for 2 years 5 months 25 days after completing the super speciality course. According to the Government, the petitioner's current liability is almost Rs.40 Lakhs.

5. The only question that calls for consideration is whether the petitioner's request for processing his passport application can be withheld on this ground. I had already dealt with a similar issue. One C.Basker filed W.P(MD)No.13188 of 2022. The writ petition was allowed in the following terms:

“3.It is seen that the petitioner was employed in Government Medical College, Tirunelveli. He had apparently breached the bond condition. In that regard, there is a dispute pending between the petitioner and the



W.P.(MD)No.12175 of 2024

employer. Therefore, the petitioner filed W.P.(MD)No. 18630 of 2015 but the same was dismissed. Questioning the same, the petitioner filed W.A.(MD)No.1447 of 2015. It is still pending before the Hon'ble Division Bench. Pendency of the writ appeal filed by the petitioner can in no way come in the way of processing the petition mentioned application. It is not as if the petitioner is facing any criminal case. Therefore, the impugned communication is quashed. The writ petition is allowed. The first respondent is directed to re-issue/renew the passport of the writ petitioner subject to fulfilment of usual formalities. Only if the petitioner's case can be brought under any of the circumstances falling within Section 6 of the Passport Act, then alone his request for issuance of passport can be put on hold. Since the petitioner's case does not fall within any of those circumstances, there can be no impediment for issuing passport to the petitioner. No costs. Consequently, connected miscellaneous petition is closed."

The petitioner is similarly placed. The subsistence of the employer's demand against the petitioner is not sufficient to bring the case on hand within the scope of Section 6 of the Passport Act.

6.In this view of the matter, the impugned communication is set aside. The first respondent is directed to process the petitioner's



W.P(MD)No.12175 of 2024

application an reissue the passport to the petitioner as expeditiously as possible.

7.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Regional Passport Office,
O/o.The Regional Passport Officer,
New Municipal Complex,
Thillainagar,
7th Cross Street,
Tiruchirapalli,

2.The Director,
Government Aarignar Anna
Memorial Cancer Hospital,
Karapettai,
Kancheepuram.



WEB COPY



W.P(MD)No.12175 of 2024

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.12175 of 2024

01.08.2024