



W.P.Nos. 5760 & 5762 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

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THE HONOURABLE MRS JUSTICE N. MALA

WP NO. 5760 & 5762 OF 2024

WP NO. 5760 of 2024

Dr.Naveena Aruchami,
D/o. Dr. Aruchami M, 4b, Chettinad Health City,
Kelambakkam,Chengalpet District - 603103.

Petitioner(s)

Vs

1. State Of Tamilnadu,
Represented By Its Secretary, Health And Family
Welfare Department, Fort St. George, Chennai -600009.

2. The Director Of Medical Education,
Kilpauk, Chennai -600010.

3. The Dean,
Madras Medical College, E.V.R. Periyar Salai,
Chennai -600003.

Respondent(s)

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Dr.Suvarna M.T. ,
W/o. Dr.Hanumanthappa.B.N. 537/2, 4th Ward,
Sk Badavane Post, Hadagali, Vijayangara
District, Karnataka -5883219.

Petitioner(s)

Vs

1. State Of Tamilnadu,



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Represented By Its Secretary, Health And Family
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3. The Dean,
Madras Medical College, E.V.R. Periyar Salai,
Chennai -600003. ...Respondent(s)

COMMON PRAYER

This Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd Respondent authorities to return all original certificates of the petitioner that were submitted by her at the time of her admission to Post Graduate Degree course of Diploma in Child Health during May 2019 in the 3rd Respondent college within a time period stipulated by this Honble Court

In both W.P's:

For Petitioner(s):

M/S.S.SHANMITHA

For Respondent(s):

MRS.M.SNEHA , SPECIAL COUNSEL

COMMON ORDER

These Writ Petitions are filed seeking for a direction to the second and third respondents to return all original certificates of the petitioners that were submitted by them at the time of their admission to Post Graduate Degree



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2. Since the issues involved in both the Writ Petitions are one and the same, they are disposed of by this common order.

3. Both the petitioner's got admission on merit for Post Graduation courses for Diploma in Child Health, in Madras Medical College (third respondent herein) in the year 2017. Both the petitioners joined the course in May 2017, and at the time of joining on the basis of prospectus executed a bond for a sum of Rs.20.00 lakhs, with an undertaking that they would serve the Government, for a period of two years, on completion of the course. Both the petitioners completed the course in May 2019, however they did not receive any posting order's from the Government. The petitioner in W.P.No.5760 of 2024, joined Super Specialty Course in Apollo Hospital Chennai, for DNB in Paediatrics and the petitioner in W.P.No.5762 of 2024, joined Vijayanagar Institute of Medical Sciences, Bellary, Karnataka for



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M.D, in Paediatrics. The petitioner's approached the third respondent college for return of their original certificates and documents but the same were denied citing the first respondent's G.O.Ms.No.185 Health and Family Welfare (MCA-I) Department dated 13.04.2020, and the consequential order of the second respondent dated 18.05.2020, whereunder, the Government colleges were directed to release the original certificates and permit the candidates to pursue Super Specialty Course, only on execution of bank guarantee, equivalent to the bond amount prescribed in the prospectus. The petitioner's in compliance with G.O.Ms.No.185 Health and Family Welfare (MCA-I) Department, executed the bond and the bank guarantee, got the return of their certificates and joined the Super Specialty Courses. The petitioners on completion of the Super Specialty courses approached the third respondent, surrendered their original certificates and were awaiting the posting orders for rendering the bond service. However, they did not receive any posting orders even after a lapse of 20 months, from the date of completion of the Super Specialty courses. As the bond period of two years expired, the bond became infructuous, and so according to the petitioners,



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they were entitled to the return of their certificates and documents. The petitioners therefore filed the above Writ Petitions for the aforesaid relief.

4. The third respondent filed counter stating that the petitioner's failed to submit requisite proforma for rendering the bond service after completion of Super Specialty Course, in June 2020. After the submission of the bank guarantee, the petitioner's were required to submit the proforma to serve the remaining bond period and as petitioners failed to submit the same, their originals certificates could not be returned till they completed their bond service.

5. I have heard both the learned counsels and perused the materials placed on record.

6. It is undisputed that the petitioners at the time of joining the post graduate course in Madras Medical College, executed a bond agreeing to serve the Government of Tamil Nadu, for a period of two years on completion of their post graduate course. The petitioners completed the



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7. The Division Bench of this Court, in W.A. No. 799 of 2010 batch in its order dated 06.10.2020, held that the bind conditions were coterminous with the bond period of 2 years, from the date the candidate successfully passed out the course and that if the candidates were not offered appointment within the 2 year period they were entitled to the release of their certificate. Admittedly, the 2 year period stipulated in the bond has long lapsed and



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till date no posting orders have been passed. I am therefore of the view that aforesaid judgment will squarely apply to the facts of these cases and hence the petitioners are entitled to return of their certificates and documents. The respondents cannot retain the petitioner's certificates and documents and they are bound to return the same to the petitioners.

8. In view of the above discussions, the third respondent is directed to return the petitioner's original certificates within a period of two weeks from the date of receipt of copy of this order.

9. Accordingly, these Writ Petitions are allowed. No costs.

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Index: yes/no
Internet:yes/no
Neutral Citation:Yes/No

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N. MALA, J.



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