



W.P.No.7674 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

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1. Dr.Sujaya Raghavendra
2. Dr.Desai Ashokkumar Dayaljibhai
3. Dr.Shreyas M D
4. Dr.Dudhat Mayurkumar Jayasukhbhai
5. Dr.Nutulapati Tharaka Mourya
6. Dr.Praveen
7. Dr.Durlabh Thengal
8. Dr.Shivananda B.N
9. Dr.Gulakavarapu Sri Viswa Sai Sammohit
10. Dr.Shravankumar Savadatti
11. Dr.Vinayak
12. Dr.Gopu Rakesh Vamsi
13. Dr.Boyidapu Bala Pradeep

... Petitioners



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-VS-

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1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai - 600 009.
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,
No.359, Anna Salai,
Chennai - 6.
4. The Directorate of Public Health
and Preventive Medicine,
Represented by the Director of Public Health and
Preventive Medicine,
No.359, Anna Salai,
Chennai - 6.
5. The Government Madras Medical College,
Represented by its Dean,
Chennai - 600 003.
6. The Government Kilpauk Medical College,
Represented by its Dean,
Chennai - 600 010.



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7. The Government Mohan Kumaramangalam
Medical College and Hospital,
Represented by its Dean,
Salem - 636 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 5th, 6th and 7th Respondents to return the Petitioners original certificates and documents collected by them during their Super-Specialty admission along with their Super-Specialty degree certificates, within a time limit to be stipulated by this Court.

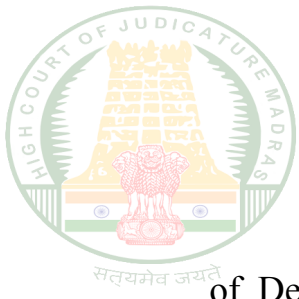
For Petitioners : Mr.M.Vijaya Ragavan

For Respondents : Mrs.M.Sneha
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents to return all the original certificates and documents of the petitioners collected during their Super-Specialty admission along with their Super-Specialty degree certificates.

2. The petitioners are Doctors and in the month of December 2020, they joined the Super-Specialty Course in non-service category in the respondents 5, 6 & 7 Colleges and completed their course in the month



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of December, 2023. Being the non-service Doctors, while joining the course, the petitioners were required to execute a bond for a sum of Rs.50,00,000/- each with an undertaking that they would work for the Government for a period of two years. The first respondent vide G.O.Ms.No.49, Health and Family Welfare (MCA-1) Department dated 28.02.2024, reduced the bond period from two years to one year for the Doctors completing their PG Course in 2023, and consequently the bond amount was also reduced to Rs.25,00,000/-. After completion of their course and to fulfill the bond condition, they participated in the first round of counseling that was held on, 23.01.2024. A subsequent counseling was held on 30.04.2024, for those candidates who were absent / opted out. But, there were no vacancies in respective specialties. As more than a year lapsed since the petitioners completed their course and since, no posting orders were issued by the respondents, the petitioners submitted individual representations to the respondents seeking return of their original certificates and documents. As no action was taken, the petitioners were constrained to file this writ petition.

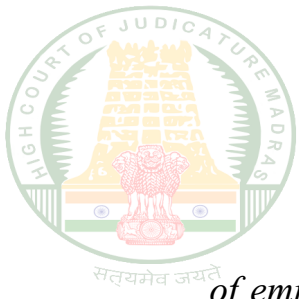


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3. I have heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents and have perused the entire materials placed on record.

4. It is seen that though the petitioners completed their Super Specialty Course as early as in December 2023, neither posting orders were issued nor the petitioners' original certificates and documents were returned by the respondents. Due to the delay, the petitioners skills are not only wasted but the petitioners future is left in the lurch. As the petitioners were not issued posting orders within a year from the date of completion of their courses, the bond period has lapsed and hence they are entitled to return of their certificates and documents. It is pertinent to refer here to the judgment of this Court in the case of ***State of Tamil Nadu through its Secretary, Department of Health and Family Welfare and another vs. P.S.Sairam and others*** reported in ***2020 SCC Online Mad 2742***, wherein it was held in unequivocal terms that "*the appellant, State Government of Tamil Nadu, cannot retain the certificates and thereby compel the students to wait endlessly for a job offer. If an offer*



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of employment has not been made within this period, then the candidate is free from the encumbrances under the bond and the State and the other authorities are obliged to hand back the certificates, as they will not be in a position to retain the same to the disadvantage of the candidates".

The said judgment squarely applies to the facts of this case.

5. In view of the above discussion and under the facts and circumstances of the case, I am of the view that the Writ Petition deserves merit. Hence, the Writ Petition is allowed with a direction to the respondents 5, 6 & 7 to return the original certificates and documents to the petitioners, within a period of four weeks, from the date of receipt of a copy of this order. There shall be no order as to costs.

28.03.2025
(2/2)

vji

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No



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To

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1. The Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
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The Directorate of Medical Education,
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Chennai - 10.
3. The Director of Medical Health
and Rural Health Services,
The Directorate of Medical and Rural Health Services,
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Chennai - 600 003.
6. The Dean,
The Government Kilpauk Medical College,
Chennai - 600 010.
7. The Dean,
The Government Mohan Kumaramangalam
Medical College and Hospital,
Salem - 636 002.



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N.MALA, J.

vji

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