



W.P.No.7479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Dr.Sithara S

... 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 Medical and Rural Health Services,
Represented By The Director of Medical Health
and Rural Health Services,
359, Anna Salai, Chennai - 600 006.
4. Directorate of Public Health and Preventive Medicine,
Represented By The Director of Public Health
and Preventive Medicine,
359, Anna Salai,
Chennai - 600 006.
5. The Joint Director of Health Services,
Coimbatore.
6. Government Coimbatore Medical College,



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Represented By Its Dean,

Avinashi Road,

Coimbatore -641 018.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to treat the Petitioner's two-year compulsory bond period as completed and to consequently direct the 5th respondent to refund a sum of Rs.40,00,000/- that the petitioner paid in lieu of the bond.

For Petitioner : Mr.Suhrith Parthasarathy

For R1 to R6 : Mr.K.Tippu Sulthan

Government Advocate

ORDER

This Writ Petition has been filed for direction directing the respondents to treat the Petitioner's two-year compulsory bond period as completed and to consequently direct the 5th respondent to refund a sum of Rs.40,00,000/- that the petitioner paid in lieu of the bond.

2. The petitioner had completed her Post Graduation in MD general medicine from the fifth respondent College. The petitioner, being a non-service candidate, while joining her Post Graduation course, was required to execute a bond for a sum of Rs.40 Lakhs with an undertaking that she would work for the Government for a period of two years after completion of Post Graduation course. At the time of joining her Post Graduation, she had submitted all her original certificates such as 10th and 12th marksheets, MBBS degree certificate



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and mark sheets, Post Graduation degree certificate and mark sheets, Medical

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Council registration certificate etc., to the fifth respondent as compulsory pre-condition to secure admission. She completed her Post Graduation course in the month of April, 2022. She had also worked in Covid-19 duty during her Post Graduation. However, the petitioner was not issued any posting order. Therefore, the petitioner applied for and got fellowship program with Jawaharlal Institute of Postgraduate Medical Education and Research (JIPMER) in the month of June, 2023. In order to join her fellowship, the petitioner ought to have submitted all the original certificates and documents. Therefore, the petitioner requested the fifth respondent to return all her original certificates. However, she was refused to furnish all her original certificates, since she had already executed a bond for a sum of Rs.40 Lakhs, on 26.06.2023, paid the same and got back all her original education certificates to join her fellowship program at JIPMER.

3. Now, the petitioner sought for refund of the entire amount, on the ground that the petitioner was not issued any posting order even after one year from the date of completion of her Post Graduation. By way of subsequent Government Order, the bond period has been reduced from two years to one year and also the bond amount is reduced from Rs.40 Lakhs to Rs.20 Lakhs,



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due to Covid-19 for the candidates who completed their Post Graduation till the year 2023. Therefore, she is entitled for refund of the entire bond amount and submitted a representation.

4. A perusal of the counter filed by the fifth respondent revealed that after completion of Post Graduation degree in MD General Medicine in the month of May, 2022, she was issued posting order dated 16.02.2023, wherein she was posted temporarily as an Assistant Surgeon, General Hospital, Aruppukottai, Virudhunagar. However, the petitioner did not join duty and violated the bond condition. Hence, she is not entitled for refund of any bond amount. She had already deposited the bond amount and she was returned with all the original certificates. According to the petitioner, she was not served with any appointment order. Even assuming that she was served with the appointment order dated 16.02.2023, it was only after nearly nine months from the date of completion of her Post Graduation. Further, now the bond period for non-service candidates has been reduced from two years to one year and the bond amount was also reduced from Rs.40 Lakhs to Rs.20 Lakhs. Therefore, the failure of joining duty can be calculated from the issuance of appointment order dated 16.02.2023. Accordingly, the petitioner ought to have joined the duty and worked till the completion of one year viz., 104 days. Therefore, after deducting



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the amount proportionately for 104 days, the petitioner is entitled for refund of remaining amount.

5. Accordingly, after deducting a sum of Rs.5,69,863/-, the fifth respondent is directed to refund a sum of Rs.34,30,137/-, directly to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

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Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

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Secretariat, Chennai - 600 009.
2. The Director of Medical Education,
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