



W.P.No.9136 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.9136 of 2024

Dr.A.Arulselvan
S/o.B.Ayyamperumal

... Petitioner

-VS-

1. The State of Tamil Nadu,
Through its Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai - 09.

2. The Director of Medical Education,
Directorate of Medical Education (DME),
156 Poonmallee High Road,
Kilpauk,
Chennai - 10.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to return all the original certificates of the petitioner, since no revised posting orders have been issued to the petitioner ever since after the order passed in W.A.No.799 of 2019 dated 06.10.2020.

For Petitioner : Mr.B.Balavijayan



W.P.No.9136 of 2024

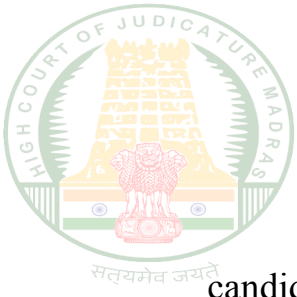
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For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to return all the original certificates of the petitioner, since no revised posting orders were issued to the petitioner ever since the order passed in W.A.No.799 of 2019 dated 06.10.2020.

2. The petitioner completed MBBS degree in the year 2014. The petitioner was allotted seat in MS-General Surgery at Chengalpet Government Medical College, under All India Quota and the petitioner also executed a service bond for two years. In pursuance of the bond, the petitioner's original certificates were retained by the respondents. The petitioner was allotted posting order to join at Government Hospital, Kurijipadi, Cuddalore District, but due to family situation, the petitioner did not join. The petitioner thereafter filed a writ petition seeking for a direction against the respondents for return all the original certificates. The said writ petition was tagged along with W.A.No.799 of 2019. This Court directed the respondents to return the original certificates of the



W.P.No.9136 of 2024

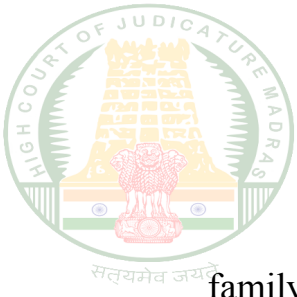
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candidates who were not issued with posting orders. Thereafter, the petitioner approached the respondents for the revised posting orders or for return of the original certificates. However the respondents refused to consider the same.

3. It is the further case of the petitioner that on 23.05.2022, the petitioner was provisionally selected for the post of Assistant Professor in Indira Gandhi Medical College and Research Institute, Puducherry, but he could not join the said post due to his inability to produce the original documents as they were retained by the respondents. The respondents in total violation of the observations made in W.A.No.799 of 2019, neither returned the petitioners certificates nor issued him revised posting orders and therefore the petitioner was constrained to file the above writ petition for the aforesaid relief.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the records.

5. It is seen that the petitioner has completed PG course as early as in the year 2018. The petitioner was issued posting orders, but due to



W.P.No.9136 of 2024

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family situation he could not join the said post. In the year 2020, the petitioner approached the respondents requesting them either to issue revised posting orders or to return the original certificates, it was however not considered. Though four years lapsed since the petitioner's request for revised posting orders, the respondents for no justifiable reasons did not pass posting orders till date. The respondents cannot let the matter hang in balance without any decision either way for years together, more so, when the petitioners professional future is at stake. No doubt the petitioner was issued with the posting orders but the petitioner requested for revised orders as early as in 2020.

6. This Court is of the view that, for the lackadaisical attitude of the respondents, the petitioner should not suffer. I am therefore inclined to direct the respondents to return all the original certificates and documents to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.



W.P.No.9136 of 2024

06.02.2025

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

To

1. The Secretary,
The State of Tamil Nadu,
Department of Health and Family Welfare,
Fort St.George, Chennai - 09.
2. The Director of Medical Education,
Directorate of Medical Education (DME),
156 Poonmallee High Road,
Kilpauk, Chennai - 10.



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W.P.No.9136 of 2024

N.MALA, J.

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W.P.No.9136 of 2024

06.02.2025