



W.P.No.10821 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-04-2025

CORAM

THE HONOURABLE Mrs. JUSTICE N.MALA

W.P.No.10821 of 2025

Dr.Arjun Balram

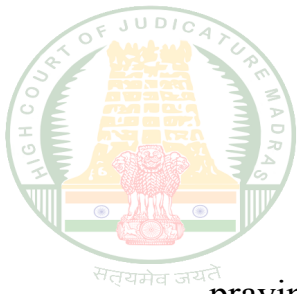
... Petitioner

VS

1. The Principal Secretary to the Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Director of Medical Education,
Directorate of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai 600 010.
3. The Registrar,
Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032.
4. The Dean,
Madras Medical College,
Poonamallee High Road,
Park Town, Chennai 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India



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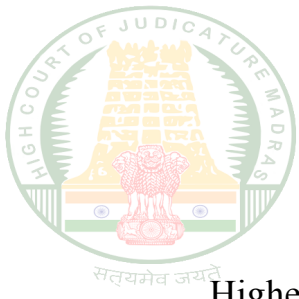
praying this Court to issue Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 08.03.2025 and to return all the Original Certificates of the petitioner, which were produced by the petitioner to the respondents at the time of his joining in Post Graduate Higher Specialty Qualification of Master of Chirurgiae (M.Ch.-Urology) Course in August 2017 at Madras Medical College, Chennai, the 4th respondent and pass orders within a reasonable time fixed by this Court.

For petitioner :Mr.M.Ramamoorthi

For respondents :Mrs.M.Sneha, Spl. Panel Counsel
-for R.1, R.2 and R.4
: Mr.A.Mohamed Gouse - for R.3

ORDER

The petitioner has filed the present writ petition seeking for issuance of a writ of Mandamus directing the respondents to consider the representation of the petitioner dated 08.03.2025 and to return all the Original Certificates of the petitioner, which were produced by the petitioner to the respondents at the time of his joining the Post Graduate



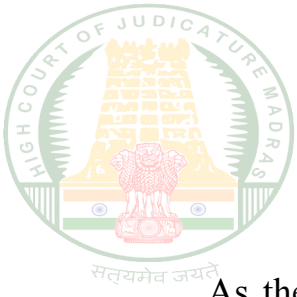
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Higher Specialty Qualification of Master of Chirurgiae (M.Ch.-Urology)

Course in August 2017 at Madras Medical College, Chennai,

2. The petitioner after completing M.B.B.S degree in June, 2008 joined Super Specialty Course of Doctor of Chirurgiae (M.Ch) in Surgical Gastroenterology in Madras Medical College in August 2017 and completed the said course in August, 2020, and also obtained the provisional degree certificate from Dr.M.G.R.Medical University on 14.12.2020.

3. As a Non-Service Post Graduate (Higher Specialty) candidate of the year 2020, the petitioner was required to sign an Agreement Bond, at the time of joining the course, agreeing to serve for a period of ten years in the Government Hospitals/Institutions of the Government of Tamil Nadu, or pay a Bond Amount of Rs.2,00,00,000/-(Rupees Two Crores Only). The petitioner states that the bond period was subsequently modified, reducing the period of service from 10 years to 2 years. The two years bond period was completed in November 2022, however, the petitioner was not issued with any posting orders during the said period.



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As the bond period lapsed, the petitioner submitted a representation on 08.03.2025, to the respondents to return the original certificates. Since no action was taken by the respondents, the petitioner filed the present writ petition.

4. Learned counsel for the petitioner submits that the Division Bench of this Court in W.A.No.799 of 2021 dated 06.10.2022 held that the bond service is coterminous with the bond period of two years. The learned counsel further submitted that as the respondents did not issue the posting orders within the two year period, the bond lapsed and hence, the petitioner was entitled to the return of his certificates.

5. Learned counsel for the respondents relying on a Show Cause Notice dated ..09.2021, submitted that the petitioner violated the bond conditions by not reporting to the Director of Medical Education, for receiving the posting orders and therefore the petitioner, unless he pays the bond amount, would not be entitled to the return of his certificates.



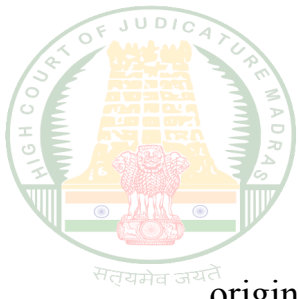
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6. I have heard the submissions of both the learned counsels and perused the records.

7. The facts are undisputed. The petitioner at the time of joining Super Specialty Course of Doctor of Chirurgiae (M.Ch) in Surgical Gastroenterology in Madras Medical College, Chennai in August 2017, agreed to serve the Government on completion of the course, for a period of ten years or pay a Bond amount of Rs.2,00,00,000/-(Rupees Two Crores only). Subsequently, the bond period was modified by the Government of Tamil Nadu in its letter dated 09.10.2020 reducing the bond period from 10 years to 2 years and the bond amount from Rs.2,00,00,000/- (Rupees two Crore only) to Rs.50,00,000/-(Rupees fifty lakhs only). The petitioner completed the course in 2020 and obtained the provisional decree certificate on 14.12.2020.

8. Though the petitioner completed the course in December 2020, he was not issued with posting orders and therefore, the petitioner submitted a representation on 08.03.2025, requesting the respondents to return his original certificates. As the respondents did not return the



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originals, the petitioner was constrained to file the present writ petition.

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9. The only contention of the respondents is that though the petitioner was issued with a Show Cause Notice in the year 2021, directing him to appear before the Director of Medical Education, to get posting orders or to pay the bond amount, the petitioner neither replied nor appeared before the Director of Medical Education and therefore, he was not entitled for return of original certificates.

10. The issuance of the Show Cause Notice dated ..09.2021 will not dis-entitle the petitioner from getting the certificates for the simple reason that, even if the petitioner neither replied nor appeared before the Director of Medical Education for getting the posting orders, nothing prevented the respondents from issuing the compulsory posting orders.

11. The Hon'ble Division Bench of this Court in W.A.No.799 of 2021 dated 06.10.2022 held as follows;

“.....

....

vi. The period of applicability of the conditions under the bond will be co-terminus with the period of two years from the date a candidate successfully passes out the course, as explained above, and would not continue beyond the same.



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vii. The candidates who have not been offered appointment within the period of two years would be entitled to release of their certificates accordingly.”

12. Admittedly, the petitioner completed the course in 2020 and received his provisional certificate on 14.12.2020. The petitioner was not issued the posting orders within the bond period of two years. Hence in my view, the above Division Bench judgment squarely applies to the petitioner's case.

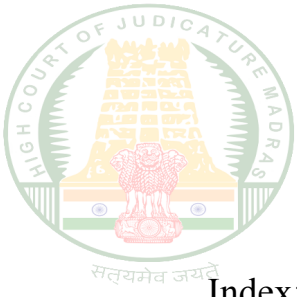
13. As the respondents did not issue any posting orders to the petitioner, I am of the view that after the expiry of the bond period of two years, the petitioner is entitled to return of the original certificates.

14. In the result, the writ petition is allowed. The respondents are directed to return the original certificates of the petitioner within a period of four weeks form the date of receipt of a copy of this order. No costs.

03.04.2025

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Index:yes/no
website:yes/no

To

1. The Principal Secretary to the Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

N.MALA.J.,

sr/ak

2. The Director of Medical Education,
Directorate of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai 600 010.
3. The Registrar,
Dr.M.G.R. Medical University,
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