



WEB COPY

W.P.No.19249 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

**CORAM
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.P.No.19249 of 2025
and
W.M.P.No.22035 of 2025**

Banwari Lal Yadav

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. Directorate of Medical Education,
Rep. by the Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. Directorate of Medical and Rural Health Services,
Rep. by the Director of Medical Health and
Rural Health Services,
359, Anna Salai, Chennai - 600 006.
4. Directorate of Public Health and Preventive Medicine,
Rep. by the Director of Public Health and Preventive Medicine,
359, Anna Salai, Chennai - 600 006.
5. Government Stanley Medical College,
Rep. by its Dean,
No.1, Old Jail Road,
Chennai - 600 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of Mandamus, to direct the respondents to treat the petitioner's compulsory bond period as completed and to consequently direct the 5th respondent to return the petitioner's original certificates and documents along with the post-graduate and super speciality degree certificates.

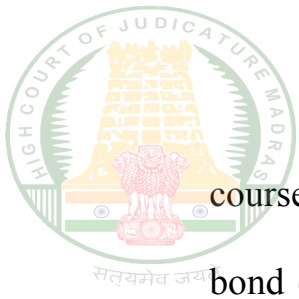
For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.K.Tippu Sultan
Government Advocate for R1 to R5

ORDER

The writ petition has been filed to direct the respondents to treat the petitioner's compulsory bond period as completed and to consequently direct the fifth respondent to return the petitioner's original certificates and documents along with the post-graduate and super speciality degree certificates.

2. Learned Counsel for the petitioner would submit that the petitioner obtained M.D. in General Medicine from Rajasthan and after that he joined D.M.Medical Gastroenterology programme for the Academic Year 2020-21 at Government Stanley Medical College / fifth respondent and his



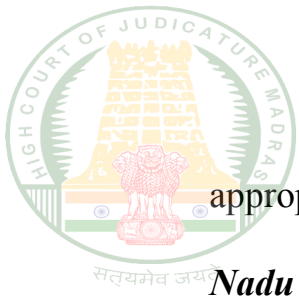
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course ends in February, 2024. It is his further submission that, as per the bond executed by the petitioner the one year bond period ends in February, 2025, as per G.O.Ms.No.49, dated 28.02.2024. He further submits that though the petitioner's bond period ends in February, 2025, until now he was not given posting order.

3. *Per contra*, Mr.K.Tippu Sultan, learned Government Advocate who takes notice for the respondents 1 to 5, would object the contention of the learned Counsel for the petitioner and submit that the petitioner has to participate in the counselling, since he is a Doctor in super speciality. However, the petitioner did not participate in the counselling and given an application to the respondents.

4. At this juncture, learned Counsel for the petitioner would submit that notwithstanding the petitioner participating in the counselling, there is a duty cast upon the respondents to issue posting order to the petitioner, whereas in the case in hand, the respondent has miserably failed to issue posting order as the bond period is co-terminus with the date of completion of one year from the date of passing out of the course. In this regard, it is



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appropriate to refer the Judgment of this Court in the case of ***State of Tamil***

Nadu and another Vs. P.S.Sairam and others reported in (2020) 7 Mad LJ.

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Paragraph no.103 is extracted hereunder:

"103. Our conclusions, therefore, are:

i. There is no material difference between the status of students occupying the State seats and All India Quota seats, in as much as they enjoy the educational facilities at par with each other, with the same subsidies and the same expenses being borne by the State Government.

ii. The conditions in the brochures for the years 2014-2015, 2015-2016 or the other brochures do not exempt the candidates of All India Quota seats from any condition of bond being executed by them and, therefore, the execution of the bonds voluntarily by such candidates will be presumed to be under the terms and conditions of the said brochures.

iii. The concessions made by the State Government and the letters addressed in this regard, particularly the letter communication dated 17.7.2017, or the admissions referred to in paragraphs (62) to (64) of this judgment, cannot confer any benefit contrary to the terms and conditions of the brochures.

iv. The intimation given under the Right to Information Act by the Central Government, as referred to in paragraph (65) of this judgment, cannot also absolve the All India Quota seat occupants



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from discharging their liability by the bonds which they have voluntarily filled up, and to which agreement the Central Government is not a party. Any such clarification issued does not come to the aid of the writ petitioners.

*v. The judgment of the Apex Court in the case of **Association of Medical Superspeciality Aspirants and Residents and others** (supra) lays down the law and, therefore, any judgment rendered by this Court previously to the contrary does not hold water and cannot be taken benefit of by the writ petitioners.*

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.

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

5. In such view of the matter, this Court is of the firm view that the bond period of the petitioner ends in February, 2025 and admittedly, during the same period there was no posting order issued to the petitioner. Accordingly, the petitioner is entitled to get back his original certificates, as prayed for in the instant writ petition. Therefore, the fifth respondent is



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directed to return the petitioner's original certificates and his other documents

within a period of four weeks from the date of receipt of a copy of this order.

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In the result, the Writ Petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

20.06.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

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C.KUMARAPPAN, J.

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5. Government Stanley Medical College,
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