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W.P.No.14872 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

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THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.14872 of 2025

and

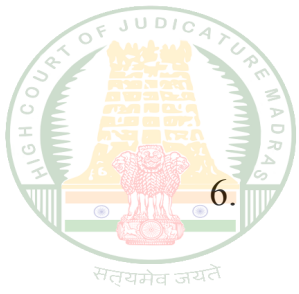
W.M.P.Nos. 16772 & 16773 of 2025

Nitha Francis

... 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. Government Kilpauk Medical College,
Represented by its Dean,
822, Poonamallee High Road,
Kilpauk, Chennai - 600 010.



W.P.No.14872 of 2

6. Joint Director of Health Services,
Dindigul District, Dindugal.

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of Certiorarified Mandamus, calling for the records of the fourth respondent contained in the posting order bearing R.No. 4655322/E5/A4/2023-319 dated 07.11.2024 and all proceedings in furtherance thereof, including but not limited to show cause notice issued by the sixth respondent bearing Ref.7208/E1-1/2024, dated 29.01.2025 and to quash the same as arbitrary and unjust, and to consequently direct the fifth respondent to return the petitioner's original certificates and documents collected by the fifth respondent while admitting the petitioner to the post graduate degree course along with the petitioner's post graduate degree certificate.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.K.Tippu Sultan
Government Advocate

ORDER

The writ petition has been filed challenging the posting order issued to the petitioner by the fourth respondent dated 07.11.2024 and the consequential show cause notice issued by the sixth respondent dated 29.01.2025 and further direct the fifth respondent to return the petitioner's original certificates and documents collected by the fifth respondent while admitting the petitioner to the post graduate degree course along with the



petitioner's post graduate degree certificate.

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2. The case of the petitioner is that, she joined post graduate course in MD Paediatrics at the fifth respondent college in May 2019. While joining service, she has given a bond for Government Service for a period of two years. However, by virtue of G.O.Ms.No.351 dated 27.10.2023, the two years period was reduced to one year period. Hence her bond period ends in May 2024, whereas the impugned posting order has been issued to the petitioner on 07.11.2024, which is contrary to the Judgment of the Division Bench of this Court held in ***P.S.Sairam case***. Subsequently, the sixth respondent issued the impugned show cause notice dated 29.01.2025, calling upon the petitioner to either comply with the posting order or pay the bond amount. Hence the petitioner has filed the present writ petition.

3. Mr.K.Tippu Sultan, the learned Government Advocate who takes notice for the respondents would submit that they have given the posting order to the petitioner. Therefore, the petitioner has to comply with the bond period for one year. Hence prays to dismiss the writ petition.

4. I have given careful consideration to the submission of the



learned Counsel on either side.

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5. The issue is no longer *res integra* as contended by the learned Counsel for the petitioner, since this Court in the case of ***State of Tamil Nadu and another Vs. P.S.Sairam and others*** reported in (2020) 7 Mad LJ 513 has settled this issue. The relevant portions are extracted hereunder:

"102. Accordingly, we hold that the letter dated 17.7.2017, or the RTI clarifications issued by the Central Government, or even orders which have been passed from time to time for release of certificates cannot come to the aid of the writ petitioners, but at the same time, we also hold that the appellant State Government of Tamil Nadu cannot retain the certificates and thereby compel the students to wait endlessly for a job offer. The State having a corresponding obligation is equally bound by the period of two years which starts running from the date the candidate passed out and ends immediately after the expiry of two years. If an offer 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, including the writ petitioners, which cannot be perpetuated in the circumstances indicated above.

103. Our conclusions, therefore, are:

i. There is no material difference between the status of



WEB COPY

W.P.No.14872 of 2017



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 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***



WEB COPY

W.P.No.14872 of 2



(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.

6. As per the above ratio, the posting order should be co-terminus with the bond period. However, in the case on hand, the posting order was given to the petitioner in the month of November, 2024 well after the end of the bond period. Therefore, the petitioner is entitled to the relief as prayed for.

7. In the result, the impugned posting order dated 07.11.2024 and the consequential show cause notice dated 29.01.2025 are quashed and the Writ Petition stands allowed. No costs. The fifth respondent is directed to return the original certificates to the petitioner within a period of four weeks from the date of receipt of a copy of this order.



W.P.No.14872 of 2025

17.06.2025
(2/2)

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

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W.P.No.14872 of 2

C.KUMARAPPAN, J.

veda

5. Government Kilpauk Medical College,
Represented by its Dean,
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2/2