



WEB COPY



W.P.No.16262 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

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

W.P.No.16262 of 2025

Aishvarya Shree N.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Through its Secretary,
Department of Health & Family Welfare,
Fort St.George, Chennai - 600 009.
2. The Director of Medical Education,
Directorate of Medical Education (DME),
156, Poonamallee High Road,
Kilpauk, Chennai - 600 010.
3. Director of Medical and Rural Health Services,
DMS Complex, No.359-361, Anna Salai,
Chennai - 600 006.
4. Government Stanley Medical College,
represented by its Dean,
No.1, Old Jail Road,
Chennai - 600 001.
5. The Registrar,
Tami Nadu Medical Council,
914, Poonamallee High Road,
Arumbakkam, Chennai - 106.

... Respondents



W.P.No.16262 of 2

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of Mandamus, to direct the 4th respondent to return the original certificates of the petitioner including her M.D.Certificate which are retained by them.

For Petitioner : Mr.A.B.Rajasekaran
For Respondents : Mr.K.Tippu Sultan
Government Advocate for R1 to R4
: Mr.U.Baranidharan
Standing Counsel for R5 (TNMC)

ORDER

The writ petition has been filed to direct the fourth respondent to return the original certificates of the petitioner including her M.D.Certificate which are retained by them.

2. The case of the petitioner is that, she joined M.D. in Anesthesiology with Government Stanley Medical College under All India Quota in 2015 and completed the degree in 2018. She further submits that, immediately after completion of the degree, she was given appointment at Gadharvakottai Government Hospital. However, she submitted an affidavit on 12.11.2018, to complete the bond period after completion of subsequent degree. After completion of her degree in D.M. in Neuro-Anesthesiology, she reported at Stanley Government Medical College in February, 2022 to



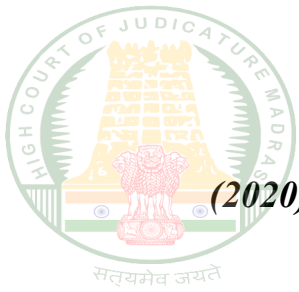
W.P.No.16262 of 2

WEB COPY

complete her bond period. However, in spite of repeated representation, the second respondent has not issued any posting order. In this connection, the Dean, Government Stanley Medical College has sent a letter to Director of Medical Education, Chennai dated 05.12.2024. Hence prayed to order the writ petition.

3. *Per contra*, learned Government Advocate would contend that he has not disputed the factual position of the petitioner's report back to the Government Stanley Medical College, in February 2022. However, would submit that as per the bond condition, the petitioner is duty bound to work for the State.

4. At this juncture, learned Counsel for the petitioner would submit that 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 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



WEB COPY



W.P.No.16262 of 2020

(2020) 7 Mad LJ. 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 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



WEB COPY

W.P.No.16262 of 20



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 May, 2020 and admittedly, during the said period there was no posting order issued to the petitioner. Accordingly, the petitioner is entitled to get back her original certificates, as prayed for in the instant writ petition. Therefore, the fourth respondent is directed to return the petitioner's original certificates and her other documents within a period of four weeks from the date of receipt of a copy of this order.



W.P.No.16262 of 2

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

Consequently, connected miscellaneous petition, if any is closed.

WEB COPY

20.06.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

1. The State of Tamil Nadu,
Through its Secretary,
Department of Health & Family Welfare,
Fort St.George, Chennai - 600 009.
2. The Director of Medical Education,
Directorate of Medical Education (DME),
156, Poonamallee High Road,
Kilpauk, Chennai - 600 010.
3. Director of Medical and Rural Health Services,
DMS Complex, No.359-361, Anna Salai,
Chennai - 600 006.
4. Government Stanley Medical College,
represented by its Dean,
No.1, Old Jail Road,
Chennai - 600 001.
5. The Registrar,
Tami Nadu Medical Council,
914, Poonamallee High Road,
Arumbakkam, Chennai - 106.



WEB COPY



W.P.No.16262 of 2

C.KUMARAPPAN, J.

veda

W.P.No.16262 of 2025

20.06.2025