



WEB COPY

WP No. 16221 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

**WP No. 16221 of 2025 &
WMP.No.18340 of 2025**

1. Dr.S.Aravindasamy
- 2.Dr.Mayuri
- 3.Dr.K.G Aparna
- 4.Dr.P.Aparna
- 5.Dr.Mohammed Zaheer Abbas
- 6.Dr.P S Kaviya
- 7.Dr.Manisha Alapati
- 8.Dr.Tarun C M
- 9.Dr.Akash Depak E

Petitioners

Vs

1. The State Of Tamil Nadu
Rep. By The Principal Secretary To Government,
Department Of Health And Family Welfare,
Secretariat, Chennai-600 009.
- 2.The Director
The Directorate Of Medical Education And Research,



Kilpauk, Chennai-600 010

3.The Director

Directorate Of Medical And Rural Health Services (DMRHS),
359 Anna Salai, Chokkalignam Nagar, Teynampet,
Chennai-06

4.The Greater Chennai Corporation,

Rep. By The City Health Officer, Public Health Department,
Rippon Building, Chennai-600 003.

5.The Tamil Nadu Dr.MGR Medical University

Rep. By The Registrar, 69, Anna Salai, Guindy,
Chennai-600 032.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration to declare that the action of the 2nd respondent in not following the rules and not including the name of the petitioners in the counselling held on 25.04.2025 as arbitrary, illegal and in violation of natural justice and consequently direct the 2nd respondent to forthwith notify the petitioners name in the next round of counselling in the 4th respondent department or any other department of the Government of Tamil Nadu as per the seniority list and vacancy list so as to enable the petitioners to choose the post/department as well as district as per their choice to do their conditional service as per bond.

For Petitioners : Mr.N.L.Rajah, Senior Advocate
for Mr.K.Balu



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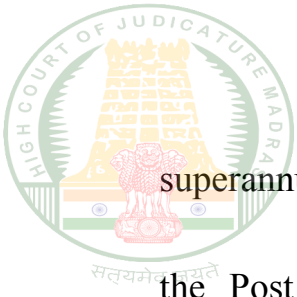


For Respondents : Mrs.Sneha For R1 To R3
Mr.G.Arumaugam,
Standing Counsel For R5

ORDER

This writ petition has been filed in the nature of a declaration to declare that the action of the second respondent in not following the rules and in not including the names of the petitioners in the selection list dated 25.04.2025 as arbitrary, illegal and in violation of principle of natural justice. The petitioners seek that they must be included in the subsequent list of counseling in the fourth respondent Department or in any other Department of the Government of Tamil Nadu.

2. There are nine petitioners who have joined in filing the writ petition. They have all completed Bachelor of Medicine and Bachelor of Surgery (MBBS) course and have been registered with Medical Council as Medical Practitioners. They had also been selected for the Post Graduate course at various colleges. They had also executed a bond for admission to various Post Graduate courses and to serve the Government of Tamil Nadu, till the



superannuation and for a period of not less than two years after completion of the Post Graduate Courses. They are to be categorised as non-servive candidates.

3. On completion of Post Graduate course, they have been called for counseling. It is not in dispute that the petitioners were invited for counseling and were offered various options for the places where they could be posted. But it is the statement of the learned Senior Counsel for the petitioners that the petitioners were given posting in deep south Tamil Nadu. They therefore, opted out of the counseling process.

4. I am not able to understand the reasons behind that decision. The petitioners, having studied medicine and having taken a oath to serve the people in need, should be prepared to serve those who are in need at any corner of the State. They cannot dictate the place where they would discharge their services and stipulate it to be only in elite surroundings in multi-storeyed buildings and sitting in air conditioned offices and decline to go over to a rural place to serve



the people there. The people residing in the every nook and corner of the State require their specialisation, knowledge and the skill attained by the petitioners.

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It would be a desertion of the oath which they had taken. They had opted out of the counseling under the impression that they can demand posting within Greater Chennai Corporation limits. Eventhough this is not specifically stated in the writ petition, still a statement had been made across the bar that the petitioners expect that they should be posted within Greater Chennai Corporation limits.

5. The learned Senior Counsel stated that there is an element of arbitrariness in the decision taken by the respondents who have now to take a decision to issue compulsory posting orders to the petitioners. There is certainly no arbitrariness. The petitioners had walked out of the counseling and had voluntarily opted out. It is the petitioners who had taken that decision arbitrarily and decided not to serve in rural areas. They were presented with options. They could have taken any one of the options where the places of posting had been given. If they had consciously taken a decision to opt out, then they would have



to suffer service of an order of compulsory posting.

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6. It is contended by the learned Senior Counsel for the petitioners that in that particular order of compulsory posting, the respondents must accommodate the petitioners in hospitals within Greater Chennai Corporation limits. The Court is not an authority to issue the compulsory posting orders. The Court is not interested to know where the petitioners seek to work. The Court is not bothered about where the petitioners work. They have to discharge their duties at any corner of the State. If the petitioners seek that the Court must indicate a particular place of posting then they are grossly mistaken. It is entirely within the right of the respondents to issue compulsory posting orders in any place where the respondents are of the opinion the petitioners would be of benefit of the people in that particular area.

7. Ultimately the petitioners must realise that having studied the course of medicine and as medical practitioners, they must discharge their professional



duties as service to the people and not to enrich their pockets. They must be prepared to discharge their services wherever the orders of compulsory posting are issued. The court cannot step into this particular issue and give a direction to the respondents to issue posting orders in this particular place or in that particular place. As a matter of fact, the writ petition is also not filed on those lines.

8. The Writ Petition has been filed in the nature of a declaration that the action of the second respondent in not following the rules and in not including the names of the petitioners in the counseling held on 25.04.2025 as arbitrary. It has not been explained as to what rules had been violated by the respondents. It has not been explained as to how the petitioners can claim a right to be included in the subsequent counseling when they had opted out of the options given in the counseling to which they were actually invited. The petitioners cannot claim any right or privilege.

9. As a matter of fact, a Division Bench had examined the issue in a



reverse manner in Writ Appeal No.799 of 2019 batch and had delivered a

Judgment on 06.10.2020, wherein the Division Bench had placed an obligation

on the respondents to issue posting orders to non- service candidates and if they do not, then the State would be under obligation to return back the bond amount. Therefore, the respondents are under a direct obligation to issue compulsory posting orders. It could be anywhere in South Tamil Nadu, West Tamil Nadu, North Tamil Nadu or East Tamil Nadu or Central Tamil Nadu, but within the State and the petitioners may take a decision to join that particular post or may walk out and face the consequences by paying out the bond amount and practice anywhere. The Court cannot interfere with the decision taken by the respondents.

10. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

29-04-2025

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Index:Yes/No



Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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Department Of Health And Family Welfare,
Secretariat, Chennai-600 009.

2.The Director
The Directorate Of Medical Education And Research,
Kilpauk, Chennai-600 010

3.The Director
Directorate Of Medical And Rural Health Services (DMRHS),
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4.The City Health Officer,
The Greater Chennai Corporation,
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C.V.KARTHIKEYAN J.

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