



W.P.Nos.17424, 17529 and 18262 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

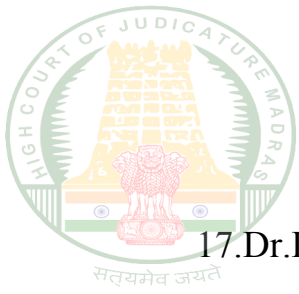
W.P.Nos.17424, 17529 and 18262 of 2025

and

W.M.P.Nos.19764, 19886 and 20453 of 2025

W.P.No.17424 of 2025:-

- 1.Kishaanprabhu
- 2.Anbarasu
- 3.Dr.Apsara Chandramohan
- 4.Dr.Aditya JP
- 5.Dr.Kailashkrishnan
- 6.Dr.R.Sunil Ashish
- 7.Dr.Vasanth A
- 8.Dr.S.P.Sakthivignesh
- 9.Rhea Rachel Mathai
- 10.Dr.R.Selva Krishna
- 11.Dr.Gautam K
- 12.Dr.Barath.M
- 13.Dr.Vinayakan R.B
- 14.Dr.Abirami.R.A.
- 15.Dr.Ajeeth Kumar.M
- 16.Sajith Sytan



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17.Dr.Dhanush Karan.V

18.Dr.R.Balaji

19.Dr.Surya Prakash B

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai - 600 009.

2.Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai - 600 010.

3.The Dean,
Madras Medical College,
Near Park Town Station,
Poonamallee High Road,
Park Town, Chennai - 600 003.

4.The Dean,
Government Mohan Kumaramangalam Medical College Hospital
(GMKMCH), Salem - 636 001.

5.The Dean, Chengalpattu Medical College,
GST Road, Chengalpattu,
Kancheepuram - 01.

6.The Dean,
Kilpauk Medical College,
Kilpauk, Chennai - 600 010.

...Respondents

Prayer in W.P.No.17424 of 2025:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing



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the respondents 1 and 2 to direct the 3 to 6 respondents to return the (1) Original 12th Mark Sheet (2) Original UG 4 years Mark Sheets (3) Original UG Degree Certificate (4) Original PG Provisional, (5) Original PG Mark Sheets, (6) Original PG Degree Certificate and all other original documents deposited by respective petitioners retained by the 3 to 6 respondents regarding the Post Graduation Courses of the petitioners respectively.

W.P.No.17529 of 2025:-

- 1.Dr.Sibichakkaravarthy
- 2.Dr.Bharathi.B
- 3.Dr.Anuyasodha P M
- 4.Dr.Jawahar S.R
- 5.Dr.Dharini Prasad
- 6.Dr.P.Gokulakrishnan
- 7.Dr.Sneha
- 8.Dr.Raakesh Kumar R
- 9.Dr.Abhilash Nair Ramachandran Nair
- 10.Dr.Satwika S.
- 11.Dr.Sruthi R
- 12.Dr.Gopala Krishnan S
- 13.Dr.Kaartik Anand

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai - 600 009.



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2. Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai - 600 010.

3. The Dean,
Madras Medical College,
Near Park Town Station,
Poonamallee High Road,
Park Town, Chennai - 600 003.

4. The Dean,
Government Mohan Kumaramangalam Medical College Hospital
(GMKMCH), Salem - 636 001.

5. The Dean, Chengalpattu Medical College,
GST Road, Chengalpattu,
Kancheepuram - 01.

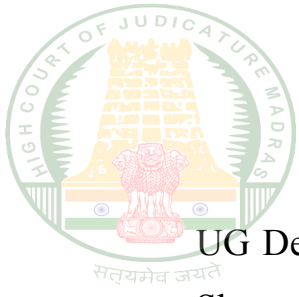
6. The Dean,
Kilpauk Medical College,
Kilpauk, Chennai - 600 010.

7. The Dean,
Government Thiruvannamalai Medical College and Hospital,
Thiruvannamalai - 606 603.

8. The Dean,
Government Dharmapuri Medical College,
Dharmapuri - 636 701.

...Respondents

Prayer in W.P.No.17529 of 2025:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to direct the 3 to 8 respondents to return the (1) Original 12th Mark Sheet (2) Original UG 4 years Mark Sheets (3) Original



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UG Degree Certificate (4) Original PG Provisional, (5) Original PG Mark Sheets, (6) Original PG Degree Certificate and all other original documents deposited by respective petitioners retained by the 3 to 8 respondents regarding the Post Graduation Courses of the petitioners respectively.

W.P.No.18262 of 2025:-

- 1.Dr.K.Mahindan
- 2.Dr.Aravindh Raj V
- 3.Dr.A.Deepika
- 4.Dr.Akansha Ajith
- 5.Dr.N.Thivakar
- 6.Dr.B.Jaisundar
- 7.Dr.S.Suriya Prakash
- 8.Dr.Andrew Jebadurai. G
- 9.Dr.B.Subalakshmi
- 10.Dr.Sandhiya.N
- 11.Dr.T.R.Preethi
- 12.Dr.Aiyasathul Safa
- 13.Dr.Thennarasi. K
- 14.Dr.Piravin Kumar R
- 15.Dr.Sudalai Selvam
- 16.Dr.Chidambara Thanu. V
- 17.Dr.Jayanth Pavan Pavuluri
- 18.Dr.Fasna T.P
- 19.Dr.Deepak S



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20.Bala Ganesh

21.Dr.S.Dhanya

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai - 600 009.
- 2.Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Dean,
Thoothukudi Government Medical College and Hospital,
Thoothukudi.
- 4.The Dean,
Kilpauk Medical College,
Kilpauk, Chennai - 600 010.
- 5.The Dean,
Madras Medical College,
Near Park Town Station,
Poonamallee High Road,
Park Town, Chennai - 600 003.
- 6.The Dean,
Stanley Medical College and Hospital,
Chennai.
- 7.The Dean,
Coimbatore Medical College,
Avanishi Road, Coimbatore.



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8.The Dean,
Thanjavur Government Medical College and Hospital,
Thanjavur.

9.The Dean, Chengalpattu Medical College,
GST Road, Chengalpattu,
Kancheepuram - 01.

...Respondents

Prayer in W.P.No.18262 of 2025:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to direct the 3 to 9 respondents to return the (1) Original 12th Mark Sheet (2) Original UG 4 years Mark Sheets (3) Original UG Degree Certificate (4) Original PG Provisional, (5) Original PG Mark Sheets, (6) Original PG Degree Certificate and all other original documents deposited by respective petitioners retained by the 3 to 9 respondents regarding the Post Graduation Courses of the petitioners respectively.

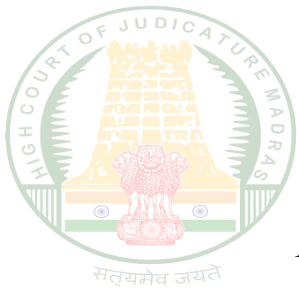
For Petitioners in all WPs : Mr.K.R.Laxman

For Respondents in all WPs : Mr.K.Tippu Sulthan,
Government Advocate

COMMON ORDER

The petitioners seeks for the following reliefs:

To issue a Writ of Mandamus, directing the respondents 1 and 2 to direct the other respondents to return the (1) Original 12th Mark Sheet (2) Original UG 4 years



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Mark Sheets (3) Original UG Degree Certificate (4) Original PG Provisional, (5) Original PG Mark Sheets, (6) Original PG Degree Certificate and all other original documents deposited by respective petitioners retained by the respondents regarding the Post Graduation Courses of the petitioners respectively.

2. All the petitioners are Doctors. They have undergone their Post Graduate Courses in the State of Tamil Nadu. Subsequently, they wrote the National Eligibility Entrance Test for super speciality courses in medicine. They have also secured a rank which entitles them to participate in the counselling.

3. The reason for this Writ Petition is that the originals of their certificates have been retained by the respective Institutions, in which they have undergone their Post Graduate Courses. The retention is on the ground that they are yet to complete their bond period. Hence, they gave a representation to the respondents stating that they would complete the super speciality courses and thereafter return to Tamil Nadu and complete the bond period. As the petitioners were not given any response, they have come forward with the present Writ Petition.



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WEB COPY 4. I heard Mr.K.R.Laxman, learned counsel for the petitioners and Mr.K.Tippu Sultan, learned Government Advocate for the respondents.

5. When I heard the matter yesterday, Mr.Tippu Sultan produced G.O.(Ms.)No.185, Health and Family Welfare (MCA-1) Department, dated 13.04.2020. He relied upon paragraph No.4 of the Government Order which reads as follows:-

4. The Government have examined the proposal of the Director of Medical Education and decided to accept the same. Accordingly, the Government do hereby issue orders to the Director of Medical Education as detailed below:-

i) to permit the Non service Post Graduate candidates who have completed their Broad Speciality (MD / MS / Diploma) Course in State of Tamil Nadu (not completed their bond condition) and have selected for Higher Speciality courses through entrance examination (either / neither NEET-SS) in other State / Private self-financing / Deemed University to pursue the Higher Speciality course after obtaining the Bank Guarantee equivalent to the bond amount as prescribed in the respective year prospectus during the admission to Broad speciality courses from the academic year 2016-2017.



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ii) to permit the Non service Post Graduate candidates who have completed their Higher Speciality (DM/M.Ch.) Course in State of Tamil Nadu (not completed their bond condition) and have selected for Fellowship course through entrance examination (either / neither NEET-SS) in other State / Private self-financing / Deemed University to pursue the Fellowship course after obtaining the Bank Guarantee equivalent to the bond amount as prescribed in the respective year prospectus during the admission to Higher speciality courses from the academic year 2016-2017.

6. I adjourned the matter to enable Mr.K.R.Laxman to get instructions on whether the petitioners will be willing to furnish security instead of a Bank Guarantee as sought for in the Government Order.

7. When I called the matter today, Mr.K.R.Laxman has produced a subsequent Government Order issued by the Government in G.O.(D)No.1445, Health and Family Welfare (MCA-1) Department, dated 27.11.2023 whereunder the Government has revised its policy and has given up the demand for a bank guarantee equivalent to the bond amount. However, it has replaced the same with certain other conditions.



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WEB COPY 8. Hence, Mr.K.R.Laxman pleads the certificate may be released to the petitioners imposing the same conditions.

9. Mr.Tippu Sultan, learned Government Advocate states that this Government Order was issued only for the purpose of accommodating non-service Post Graduates (Higher speciality) graduates for whom no vacancies were available with the Government during the relevant time. He adds that the petitioners herein have attended the posting counseling on 06.05.2025, and few of them also received posting orders and therefore the Government Order is inapplicable. He therefore pleads that the Writ Petition be dismissed with a direction to the petitioners to serve their bond period, and thereafter collect their certificates or to furnish a bank guarantee equivalent to the bond amount and receive the certificates.

10. In response Mr.K.R.Laxman, brings to the notice of this Court the judgment of the Hon'ble Mr.Justice C.Saravanan in ***Dr.R.Elanthendral Vs. The Principal Secretary to the Government of Tamil Nadu, Health and Family Welfare Department, Secretariat, Chennai and 4 others*** in ***W.P. (MD) No.7061 of 2020*** dated ***03.07.2020***. He states that the very



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Government Order which is relied upon by Mr.Tippu Sultan was the

subject matter of challenge in that Writ Petition and the learned Judge had allowed the Writ Petition with certain conditions, taking into consideration that doctors cannot furnish a Bank Guarantee for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) immediately. Therefore, he prays for the Writ Petition to be allowed and a direction be given to return the original certificates.

11. I have carefully considered the submissions of both sides and gone through the records.

12. It is not in dispute that the petitioners have all undergone their Post Graduate Courses in the State of Tamil Nadu. They are non-service candidates. At the time of admission to the Post Graduate Courses, all of them signed a bond stating that they will utilize their talent and expertise, which they have gained during the course of medical education, in the service of Government of Tamil Nadu. The period of the bond is 2 years. In default, they have undertaken to pay a certain sum under the bond.

13. For the fact that they have signed the bond does not mean that the



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Doctors should be prevented from acquiring further qualification. The

medical profession is a highly competitive one. The reality today is a mere

Post Graduate degree is insufficient for the purpose of having a successful

career. The petitioners are desirous on acquiring a higher qualification in

the form of DM, M.Ch. etc., They have categorically undertaken to

complete the super speciality courses and return to Tamil Nadu and serve

out their bond period. I have to point out here that if the writ petitioners

secure admission in a super speciality course in colleges in Tamil Nadu, the

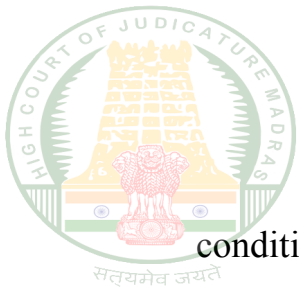
requirement for serving the bond period does not arise. It will arise only if

they undergo their super speciality courses in colleges outside the State of

Tamil Nadu.

14. A strict interpretation, which Mr.Tippu Sultan wants me to take and that as the basis of the Government Order issued during COVID period, would deprive the candidates of their right to further education.

That is not the purport of the Government Order. The Government Order has been issued in order to ensure that the petitioners complete their courses and come back to this State and complete their bond service. When the Government Order was challenged before the Hon'ble Mr.Justice C.Saravanan, the learned Judge gave a way out by imposing certain severe



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conditions. That order balances the right of the students with the needs of the State.

15. The orders passed by this Court has been take note of by the Government of Tamil Nadu in the year 2023. It has taken a policy decision to reduce the rigor imposed in G.O.Ms.No.145 referred to in paragraph No.7 above.

16. The order passed by the Government in the year 2023 has taken into consideration while judging the present necessity for Post Graduate Doctors to obtain their higher qualifications. The importance of having the certificates to achieve that end, the duty of the students to fulfill the essential bond conditions and at the same time, addresses the situation in case of breach, all requires to be taken into consideration.

17. The attempt of Mr.J.Tippu Sulthan to state that this Government Order does not apply if the students are given the posting, does not appeal to me. This is because, no such condition is found in the Government Order. I should remember here that the order itself has been passed after considering several orders of this Court directing return of the certificates.



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This shows there has been conscious application of mind by the Government, prior to imposing conditions and permitting the students to take back their certificates so that they can acquire a higher qualification.

18. In the year, 2023, the Government of Tamil Nadu itself considering the plight of the students and several orders passed by this Court, has imposed certain conditions. This shows the intention of the Government is not to crucify the petitioners onto their bond, but, to permit the petitioners to pursue their further education and with the newly acquired talent to come back to Tamil Nadu and serve their bond period, if they fulfill certain pre-conditions. They are:-

- *That the Students taking back their Original Certificates to pursue higher studies, must inform the authorities their present permanent address duly and if there is any change of address it shall also be reported then and there to the Medical College and the Director of Public Health and Preventive Medicine;*
- *That the Students on completion of their higher studies must report to the Director of Public Health and Preventive Medicine for getting posting as per the bond condition;*
- *That in case, the Student doesn't join after getting*



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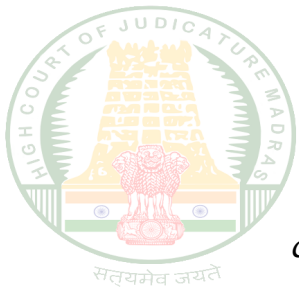
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admission or discontinuing the higher studies, he / she must report to the Director of Public Health and Preventive Medicine for completing the bond obligation / posting.

- *The Director of Medical Education and Research is directed to release the original certificates (whatever submitted) to the respective students after obtaining undertaking in Rs.100/- Stamp Paper to be executed by the students, their parents and with two security witnesses incorporating the above conditions, along with other general conditions.*
- *The Director of Public Health and Preventive Medicine is also directed to maintain a list / register of the Students of State Medical Colleges to monitor such cases and arrange to initiate action "Suo Motu" to post the Students after three years period, in the Medical Institutions to complete their bond obligation services, even if the Student doesn't report to have posting.*

19. Taking into consideration the future of the petitioners and thereby the future of this Nation itself, which requires specialized talents in the field of medicine, this Court is inclined to pass the following orders:

The respondents are directed to return the original certificates to the petitioners forthwith. The petitioners shall



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comply with the requirements in G.O.(D) No.1445, Health and Family Welfare (MCA-1) Department, dated 27.11.2023.

20. Accordingly, this Writ Petition is ordered. Consequently, the connected miscellaneous petitions are closed. No costs.

16.05.2025

dsa

Note:- Upload order copy by **19.05.2025**.

Index : Yes/No

Internet : Yes

Neutral Citation : Yes/ No

Speaking Order/ Non-Speaking Order

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Health and Family Department,
Secretariat, Chennai - 600 009.
- 2.Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Dean,
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Kancheepuram - 01.

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6.The Dean,

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7.The Dean,

Government Thiruvannamalai Medical College and Hospital,
Thiruvannamalai - 606 603.

8.The Dean,

Government Dharmapuri Medical College,
Dharmapuri - 636 701.

9.The Dean,

Thoothukudi Government Medical College and Hospital,
Thoothukudi.

10.The Dean,

Kilpauk Medical College,
Kilpauk, Chennai - 600 010.6.The Dean,
Stanley Medical College and Hospital,
Chennai.

11.The Dean,

Coimbatore Medical College,
Avanishi Road, Coimbatore.

12.The Dean,

Thanjavur Government Medical College and Hospital,
Thanjavur.



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V.LAKSHMINARAYANAN. J.,

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