



WEB COPY

W.P No.17490 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.17490 of 2024

Dr.Shivakumar Pawadshettar

... Petitioner

..Vs..

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

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

3.The Registrar
The Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai,
Guindy, Chennai-600 032.

4.The Dean,
Kilpauk Medical College,
Chennai-600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the 2nd and 4th respondents to return the original certificates submitted to them at the time of admission.



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For Petitioner : M/s.S.Sushmitha
For Mr.Arjun Suresh

For Respondents : Mr.K.Tippu Sultan,
Government Advocate for RR1, 2 & 4

Mr.A.Md.Gouse for R3

ORDER

The present writ petition has been filed with a prayer for mandamus directing the second and fourth respondents to return the original certificates submitted to them at the time of admission.

2. The learned counsel for the petitioner submitted that the petitioner completed his Super specialty course in DM Gastroenterology at the fourth respondent institution in 2018 and successfully completed the course in September 2021. It is further submitted that as per the bond executed by the petitioner, he was required to serve a two-year bond period, For which, the respondents had issued a posting order. It is also further submitted that despite the bond period ending in September 2023, no posting order was issued during that time. Apart from that, it is also submitted that, even today, no such posting order has been issued. Hence, the learned counsel seeks a direction to



the respondents to return the petitioner's original certificates.

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3. At this juncture, the learned Government Advocate strongly objected the said contention and submitted that though the posting order has not yet been issued, the authorities remain fully competent to do so. The petitioner is still obligated to complete the two-year bond service as agreed. Hence, the learned Government Advocate prays to dismiss the writ petition.

4. I have given my anxious consideration to either side submissions and also perused the materials available on record.

5. Though the respondents strongly disputed the petitioner's contention, they have not seriously disputed the following facts:

The petitioner completed his course in September 2021, and it is an admitted fact that the petitioner is required to serve a two-year bond period. The learned counsel for the respondents has also fairly conceded that the bond period concluded in September 2023, and within that period no posting order had been issued.

6. It is well settled principle of law that any posting order should be



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issued within the bond period, as the commencement of the posting is co-extensive with the duration of the bond service. This position has been affirmed by the Division Bench Judgment of this Court in ***W.A.799/2019, dated 06.10.2020 (The State of Tamil Nadu, Through its Secretary and another vs. P.S.Sairam and 209 others)***. Therefore, in view of the above ratio, and since the respondents failed to issue the posting order within the prescribed two- year bond period, the petitioner is entitled for the return of his original certificates.

7. In the result, the present writ petition is allowed. The respondents 2 to 4 are directed to return the original certificates submitted by the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order. No costs.

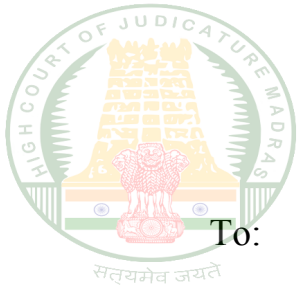
18.08.2025

ssi

Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No



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To:

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- 1.The Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare Department,
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- 2.The Deputy Director of Medical Education,
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Kilpauk, Chennai-600 010.
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C. KUMARAPPAN, J.
ssi

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