



WP.No.19495 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.05.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.19495 of 2025 & WMP.No.21786 of 2025

1. Dr.Anish S.Bharatwaj
2. Dr.Bhanu Prriya O.N.

.. Petitioners

Versus

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Health and Family Department,
Secretariat, Chennai – 600 009.
2. The Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai-600 010.
3. The Dean,
Kilpauk Medical College and Hospital,
Kilpauk, Chennai.

... Respondents

Prayer : Write petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first and second respondents to direct the third respondent to return the [i] original XII 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 the respective petitioners retained by the third respondent regarding Post Graduation Courses of the petitioners.



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For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.E.Sundaram, Government Advocate

ORDER

The petitioner has filed this Writ petition to return the Certificates of the petitioners collected by the third respondent viz., [i] original XII 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 retained by the third respondent.

2. The matter relates to release of the original school, undergraduate and postgraduate certificates to Doctors who have undergone their post graduation in the State of Tamil Nadu. It is not in dispute that the writ petitioners have completed their post-graduation in respective specialities in the State of Tamil Nadu. At the time of joining the postgraduate course, the petitioners have signed a bond with the State of Tamil Nadu stating that on completion of their course, they will serve the State for a period of two years. Being non-service candidates, the State extracts this bond to ensure that the petitioners complete the period of two years before returning the certificates to them.

3.The cause of action for this writ petitions is that the writ petitioners,

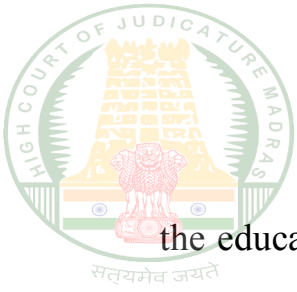


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who had successfully completed their post-graduate course want to pursue a super speciality court, namely D.M., Nephrology and MD Radiation and the petitioners have also been allocated with a seat in Christian Medical College Vellore. Being mandatory, he has undertaken the National Entrance Eligibility Test (NEET) for the said Speciality Courses and have successfully cleared the same. Since the respondents are insisting that they must complete their bond service and thereafter pursue their Speciality education. This, the petitioners feel, will adversely affect their educational prospects. Therefore, they had moved this Court by way of a writ petition seeking direction to return their original certificates with an undertaking that they will report to the Directorate of Medical Education, after they had successfully completed their Speciality Course. By an order dated 16.05.2025, applying G.O.Ms.No.1445, Health and Family Welfare Department (MCA-1) Department, I applied the conditions laid down by the Government in that Government Order and directed the release of the certificates.

4. The Court is presented with a situation where the Doctors who have undergone their postgraduate course want to pursue their Super Speciality education, which is hard to comply. What stands between them and the education is the stand of the respondents that unless and until they complete their bond period, the respondents will not release the documents. The larger issue whether



the educational certificates of the Doctors can be retained, as a lien, need not be gone into in this case. Yet, this Court has to balance the interest of the students and the interest of the State. The State has subsidized the education of the students and has given them quality education and exposure, which the writ petitioners would not have obtained, if not, for their undergoing the courses in the respective Government medical colleges.

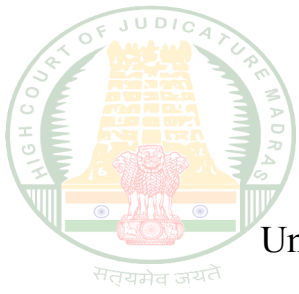
5. After hearing extensive arguments from both sides, the following orders have been passed:

1. The petitioners shall produce the allotment letters before the Deans of the Medical Colleges, in which they underwent their post graduate medical education.

2. On production of the allotment letters, the respective Deans shall issue a certified copy of certificates.

3. On the basis of the certified copies that have been issued and together with allotment letters, the students will be entitled to join the educational institutions, which has been allotted to them in the NEET Super Speciality counselling.

4. On being intimated by the writ petitioners, as to which



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Universities/Deemed to be Universities/DNB, under NBEMS in which the students have been admitted to, the Directorate of Medical Education will forward the certificates of the students to the respective Universities/Deemed to be Universities/NBEMS for registration.

5. Once the process of registration is completed, Universities/Deemed to be Universities/NBEMS to which the certificates have been sent, will return the same to the Directorate of Medical Education, Chennai.

6. The Directorate of Medical Education shall ensure that the certificates are retained safely.

7. On completion of her super speciality course, the student will report to the Directorate of Medical Education for obtaining posting orders in order to complete her bond. It shall be in undertaking affidavit and the same shall be acknowledged.

8. The Directorate of Medical Education shall issue posting orders to the students within a period of eight months from the date of such reporting.

9. The Directorate of Medical Education shall issue posting



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orders to the students commensurate with their educational qualification.

10. The posting orders shall be on contract basis. The contract shall be valid for the period on the bond, or for the remaining period on the bond, in case the candidates have already served certain period under the bond.

11. On completion of the bond service, the Directorate of Medical Education will release the original certificates to the students.

12. In case, the Directorate of Medical Education does not issue posting orders within a period of eight months from the date of reporting, the bond will be deemed to have been discharged and the Directorate of Medical Education shall issue the educational qualification certificates forthwith.

6. The Writ Proceedings is disposed of accordingly. Consequently, the connected Miscellaneous Petition, if any, stands closed.

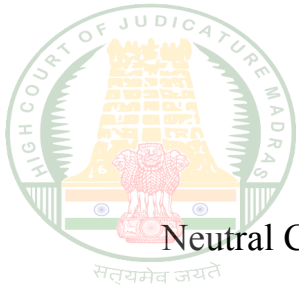
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Neutral Citation : Yes/No

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T.V.THAMILSELVI, J.

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