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W.P.No.21919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.No.21919 of 2025

Dr.S.E.Bharanidharan

... Petitioner

-vs-

1.Director of Medical Education and Research
Kilpauk, Chennai-10.

2. Joint Director
Joint Director Office
Medical and Rural Health Services
Tiruppur.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide Na.Ka.No.1441/Nil/2021 dated 29.05.2023 and quash the same and consequently, direct the 2nd respondent to accept Rs.7,33,992/- for the M.D. (General Medicine) course without any interest.

For Petitioner : Mr.S.K.D.Rajasekar

For Respondents : Mr.K.Tippu Sultan
Government Advocate



W.P.No.21919 of 2025

ORDER

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This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide Na.Ka.No.1441/Nil/2021 dated 29.05.2023 and quash the same and consequently, direct the 2nd respondent to accept Rs.7,33,992/- for the M.D. (General Medicine) course without any interest.

2. The learned counsel for the petitioner would submit that the impugned order dated 29.05.2023 was passed without due consideration of the conditions stipulated in the prospectus.

3. At this juncture, the learned Government Advocate would fairly concede that the Government had issued a clarification letter dated 26.04.2024 wherein, clarified that any demand of interest has to be calculated from the date of its demand.



W.P.No.21919 of 2025

4. In this connection, it is appropriate to extract the relevant portion qua paragraph 5 of the judgment delivered by the Madurai Bench of this Court on 19.09.2023 in W.P.(MD) Nos. 28759 of 2022, 21206 and 20452 of 2023, which reads as follows:

“5. Further, a perusal of record establishes that the bonds were executed by the petitioner in both the instances ie., while pursuing M.D., and D.M., respectively. It is quite clear in terms of conditions, that the petitioner is entitled to pay an amount of Rs.10 lakhs + Rs.25 lakhs only from the date of demand, in default to continue in service with the Government and the matter is no more res-integra. This Court has already dealt with similar issue in WP(MD) No.12167 of 2022 and has passed favourable orders to the petitioner therein. The relevant portion is extracted hereunder.....

6. I am fully in consonance with the decision of the learned Single Judge as discussed supra. I have no hesitation to make an observation that in view of the petitioner abandoning the Government service in the year 2022, he is obliged to pay the bond amount. The said amount has to be paid not for the remaining period of 19 years, 2 months and 14 days, but only from the date of demand i.e., from the date of impugned order 25.08.2023”



W.P.No.21919 of 2025

WEB COPY

5. In view of the same, the impugned order dated 29.05.2023 passed by the second respondent is liable to be quashed. Accordingly, the said order is quashed, and the matter is remitted back to the second respondent for fresh consideration in accordance with their letter dated 26.04.2024. The second respondent is directed to pass an order in accordance with the applicable rules, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is partly allowed. No costs.

27.06.2025

Index: Yes/No
Internet: Yes/No
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W.P.No.21919 of 2025

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- To:
1. Director of Medical Education and Research
Kilpauk, Chennai-10.
 2. Joint Director
Joint Director Office
Medical and Rural Health Services
Tiruppur.



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C.KUMARAPPAN, ,J.,
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