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W.P No.21343 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.21343 of 2024

and

Writ Miscellaneous Petition No.23300 of 2024

Dr.Gayathri.S

... Petitioner

..Vs..

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

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

3.Directorate of Medical and Rural Health Services
Represented by the Director of Medical Health and
Rural Health Services,
359, Anna Salai, Chennai – 600 006.

4.Directorate of Public Health and Preventive Medicine,
Represented by the Director of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai – 600 006

5.Madras Medical College,
Represented by its Dean,
E.V.R. Periyar Salai, Chennai – 600 003.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents to treat the petitioner's compulsory bond period as completed in view of the Covid duty rendered by the Petitioner, and to consequently direct the 2nd to 4th respondents to relieve the petitioner from the bond service and to direct the 5th respondent to return the petitioner's original certificates and documents in its possession along with the post-graduate degree certificate.

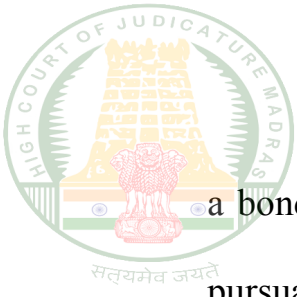
For Petitioner : Mr.Pavan Kumar Gandhi

For Respondents : Mr.K.Tippu Sultan,
Government Advocate

ORDER

The instant writ petition has been filed with a prayer for mandamus directing the respondents to treat the petitioner's compulsory bond period as completed in view of the Covid duty rendered by the Petitioner, and to consequently direct the 2nd to 4th respondents to relieve the petitioner from the bond service and to direct the 5th respondent to return the petitioner's original certificates and documents in its possession along with the post-graduate degree certificate.

2. The learned counsel for the petitioner would submit that the petitioner completed her MD (Radio Diagnosis) course in May 2022. Initially



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a bond period was for two years, which was to end in May 2024. However, pursuant to G.O. (Ms) No.17, dated 11.01.2024, the Government reduced the bond period from two years to one year for candidates who completed their postgraduate course in 2022. Accordingly, the petitioner's bond period stood reduced to one year. It is further submitted that the petitioner was first issued a posting order on 06.12.2022, but she could not join due to health reasons. Subsequently, a second posting order was issued on 08.09.2023. Meanwhile, the petitioner gave birth to a child on 04.11.2023 and had applied for maternity leave on 14.10.2023, which was duly sanctioned. Therefore, it is her submission that the maternity leave period ought to be counted as part of the bond period, and in view of the same, she is entitled to the return of her original certificates.

3. The learned Government Advocate strongly objected the said contention and would submit that the first posting order was issued on 06.12.2022, within a period of six months whereas the petitioner failed to undertake the bond service. Consequently, a second posting order was issued on 08.09.2023. He further contended that, notwithstanding the maternity period, since the respondent had already issued the posting order within the



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stipulated time, i.e., on 06.12.2022, the petitioner is still required to complete six months of service.

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

5. The following facts are not in dispute:

The petitioner completed her postgraduate course in May 2022. It is also not disputed that, in terms of G.O. (Ms) No.17 dated 11.01.2024, the bond period was reduced to one year. Accordingly, the petitioner's bond service period was from May 2022 to May 2023. The learned counsel for the petitioner would submit that though a posting order was issued on 06.12.2022, she could not join duty due to health ground, and her request was accepted by the Government, which thereafter issued a second posting order on 08.09.2023. Pursuant to the same, she joined duty on 04.10.2023. Immediately after joining, she applied for maternity leave from 15.10.2023 and subsequently, gave birth to a female child on 04.11.2023.



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6. From the above submissions, it is evident that the petitioner is entitled to maternity leave for a period of one year. Hence, the fact that the second posting order was issued on 08.09.2023 and the petitioner joined duty on 04.10.2023 makes no difference, as her maternity leave is to be counted as part of the bond service. This position has already been settled by a Division Bench of this Court in W.A.No.860 of 2023, dated 19.06.2025. Accordingly, she has completed the bond period during her maternity leave. Therefore, the respondents are directed to return the petitioner's original certificates within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition stands closed.

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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,
Secretariat, Chennai – 600 009.
- 2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
- 3.The Director of Medical Health and
Rural Health Services,
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C. KUMARAPPAN, J.
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