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W.P.No.24653 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.24653 of 2025

and

W.M.P.No.27792 of 2025

Dr.L.Aurobindo

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai 600009.

2.The Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk,
Chennai 600010.

3.The Dean,
Thanjavur Medical College,
Thanjavur 613004.

4.The State Bank of India,
Represented by its Assistant General Manager,
SME centre,
Ambattur,
Chennai – 600 059

... Respondents



W.P.No.24653 of 2025

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd Respondent to return the Bank Guarantee for Rs.40,00,000/- (Rupees Forty Lakhs only) to the Petitioner, issued by the 4th Respondent Bank, in Guarantee No.0505622BG0000524 dated 11.04.2022 within the time as may be fixed by this Court.

For Petitioner : Mr.A.E.Ravichandran

For R1 to R3 : Mr.K.Tippu Sultan
Government Advocate

For R4 : No Appearance

ORDER

The instant writ petition has been filed with a prayer for issuing a Writ of Mandamus, directing the 3rd Respondent to return the Bank Guarantee for Rs.40,00,000/- (Rupees Forty Lakhs only) to the Petitioner, issued by the 4th Respondent Bank, in Guarantee No.0505622BG0000524 dated 11.04.2022 within the time as may be fixed by this Court.

2. Heard the learned counsel for both sides and perused the materials available on record.

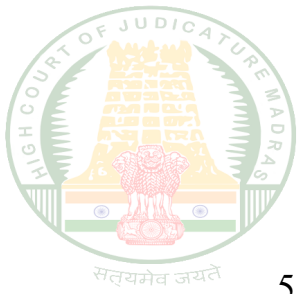


W.P.No.24653 of 2025

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner has completed Post Graduate Course in M.S., General Surgery on 07.05.2020 and according to the bond executed by the petitioner, he has to render two years service in the Health Department. However, in the case in hand, till the completion of two years, no posting order was issued. The learned counsel for the petitioner would submit that the posting order must coextensive with that of the bond period. Therefore, if any posting order is issued beyond the bond period, the petitioner need not undergo the bond service. It is the further submission of the petitioner that since two years have already lapsed, the respondents are bound to return of Rs.40,00,000/- to the petitioner.

4. At this juncture, the learned Government Advocate appearing for the respondents 1 to 3 would fairly submit that they have not issued any posting order within a period of two years. It is the further submission of the learned Government Advocate that the original documents of the petitioner has already been returned on receipt of the bank guarantee and that the petitioner has joined a Super Speciality Course at Trivandrum Regional Cancer Centre.



W.P.No.24653 of 2025

WEB COPY

5. In view of the above fair submission, this Court is of the firm view that when no posting order is issued within a period of two years from the date of completion of the course, then the respondents cannot issue any posting order beyond that two years period as the posting order must coextensive with that of the bond period. Therefore, this Court finds force in the submissions made by the learned counsel for the petitioner.

6. In the result, the Writ Petition is allowed and the 3rd respondent is directed to return the bank guarantee of Rs.40,00,000/- to the petitioner within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently, the connected writ miscellaneous petition is closed.

14.08.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm



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C.KUMARAPPAN, J.

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