



W.P.No.30392 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

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THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.30392 of 2025 and
W.M.P.Nos.34071, 34073 and 34076 of 2025

Dr.Shaarika Hari

...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 and Research
Represented by its Director
Kilpauk, Chennai - 600 010.

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

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

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

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent contained in its order bearing R.No.9849674/E5/A4/2025-26 dated 13.05.2025 and quash the same as arbitrary, unjust and illegal and consequently direct the 5th respondent to return the petitioner's original certificates and documents along with the post-graduate degree certificate.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.M.Bindran,
Additional Government Pleader

ORDER

The writ petition is filed for the below relief:

calling for the records of the 4th respondent contained in its order bearing R.No.9849674/E5/A4/2025-26 dated 13.05.2025 and quash the same as arbitrary, unjust and illegal and consequently direct the 5th respondent to return the petitioner's original certificates and documents along with the post-graduate degree certificate.

2. The brief facts which has culminated in the filing of this writ petition are set out below:

2.1. It is the case of the petitioner that the petitioner has completed Post Graduation in MS Ophthalmology in the 5th Respondent College on 23.02.2022. While joining the post graduate course, the petitioner had to execute a bond



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with an undertaking that she would work for the Government for a period of two years after completion of the course, if the Government requires the petitioner's service. The petitioner was also required to submit her original certificates/documents such as 12th mark sheets, M.B.B.S Degree Certificate and Marksheets, Medical Council Registration Certificate etc to the college.

2.2. It is her submission that she completed the course on 22.02.2025, however, no posting order has been issued to her for nearly two months after the completion of course. Thereafter, on 23.04.2025, she received notification regarding counseling for posting for Greater Chennai Corporation, which she was unable to attend due to her pregnancy. Further, on 08.06.2025, she received compulsory posting order dated 13.05.2025 directing her to report for duty at the Puliyanthope Urban Primary Health Centre for a period of two years.

2.3. The petitioner relied on the decision of the Division Bench of this Court in the case of ***Dr.E.Kirthikaa vs. The State of Tamil Nadu and Others*** in ***W.A.(MD) No.860 of 2023 dated 19.06.2025*** wherein it was held by the learned Judges that *non-service doctors are entitled to one year maternity leave and the same must be treated as part of the bond period*. In view of the



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judgment, the petitioner did not join the posting.

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3. A letter dated 24.06.2025 had been sent by the 2nd respondent directing the petitioner to join the posting immediately, failing which the petitioner's name would be forwarded to the Tamil Nadu Medical Council and the Passport Authority for further action. Hence, the petitioner made a representation dated 29.06.2025 to the 2nd respondent detailing her inability to report to duty due to her pregnancy. However, there was no response from the respondents. Hence, the petitioner is before this Court.

4. Heard the learned counsels on either side and perused the records.

5. Today, 21.08.2025, an undertaking has been filed by the petitioner which has been extracted below:

I, Dr. Shaarika Hari, daughter of J.Haridas, aged about 29 years, having residence at Sree Nidhi, Ettumanoor P.O, Kottayam, Kerala - 686 631, do hereby solemnly affirm and sincerely state as follows:

1. I am the petitioner herein. I am well acquainted with the facts of the case, and I am competent to swear to this affidavit. I



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am filing the present affidavit to place on record my willingness to serve the remainder of my bond period upon the completion of my maternity leave.

2. I state that upon completion of my maternity leave of one year, I am ready and willing to render service for the subsisting bond period. Immediately after the expiry of the said one year maternity leave, I undertake to appear before the Directorate of Medical Education and Research, the 2nd Respondent herein, and formally request for a commensurate posting in terms of my bond obligations.

3. I request this Hon'ble Court to issue suitable directions to the Respondents to issue a commensurate posting order to me within a reasonable period from the date of such request, I submit that in the event such commensurate posting is not issued within the said reasonable period, my bond period may kindly be treated as fulfilled.

6. The learned counsel for the petitioner would submit that the maternity leave being availed by the petitioner was from 13.05.2025 onwards, i.e., the date of the impugned order and she will report to duty on or before 12.06.2026.

7. In the light of the order passed by the Hon'ble Division Bench in



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Dr.E.Kirthikaa vs. The State of Tamil Nadu and Others, the period of

maternity leave availed by the petitioner shall be considered as serving the bond period and the petitioner shall serve for one year starting from 13.05.2026. The respondents are therefore directed to ensure that the posting for the petitioner is given on or before 13.05.2026.

8. With the above observations, the Writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No



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To

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