



REVIEW APPLN. (WRIT) No.179 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

CORAM : MR.JUSTICE N.SESHASAYEE

REVIEW APPLN. (WRIT) No.179 of 2024

in W.P.No.22115 of 2023

and W.M.P.No.31637 of 2024

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

2.The Director of Medical Education
Directorate of Medical Education
Poonamallee High Road
Kilpauk, Chennai 600 006

3.The Director of Public Health and Preventive Medicine
DMS Compound, Anna Salai
Teynampet, Chennai 600 006

4.The Dean
Madras Medical College
Poonamallee High Road
Park Town, Chennai 600 003

... Review Applicants

Vs.

1.Dr.S.Sandeep

2.The Registrar
Tamil Nadu Dr.M.G.R. Medical University
No.69, Anna Salai, Guindy
Chennai 600 032

... Respondents



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PRAYER: Review Application filed under Order 47 Rule 1 r/w Sec.114 of C.P.C. and filed under Article 226 of the Constitution of India, seeking to review the order passed by this Court in W.P.No.22115 of 2023 dated 12.03.2024 and to set aside the same.

For Petitioner : Mrs.M.Sneha
Spl. Counsel for Health&Family Welfare Department

For Respondents: Mr.M.Ramamoorthi

ORDER

On 12.03.2024, this Court has disposed of W.P.No.22115 of 2023, directing the respondents in writ petition to return the educational certificates back to the writ petitioner. The issue relates to the bond executed by the writ petitioner to serve Government Hospital after the completion of his Super Specialty in Cardiology. Since the certificates were not released, the writ petitioner has moved this Court with Contempt Petition No.2440 of 2024.

2.The respondents in writ petition, however, had taken out review application in Rev. Application No.179 of 2024 to review the order of this Court in W.P.No.22115 of 2023 on two grounds:

a) The grievance of the petitioner has been that even though he had



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completed his super specialty in Cardiology, he was given a posting in the Government Medical College, Udhagamandalam, where there is no department of Cardiology, whereas, he was allotted Government Medical College, Udhagamandalam, on he exercising an option to go there during counselling; and

- b) Prior to 2019-2020, if any student had joined any post graduation course or super specialty course, then such candidate is only required to serve two (2) years and only from the academic year 2019-2020 the said duration of mandatory service was reduced to one (1) year. In the instant case the G.O.(Ms).No.49, H&FW(MCA-1) Dept. dated 28.02.2024, is applicable to candidates who joined the course in 2019-2020 may not be applicable.

3.Heard both sides. To a pointed question from the Court as to why it was not brought to the notice of the Court that the Government Medical College, Udhagamandalam, was allotted to the writ petitioner only at his request, the learned Special Counsel for Health and Family Welfare Department submitted that that was a mistake and hence the review was filed.



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4.This Court informs the learned Special Counsel that the respondents in writ petition are one stage too late and also informed her that this Court may not be able to entertain this review since the Court is required to consider certain new facts and not just correcting certain errors apparent on the face of records already made available. Therefore, the review vis-a-vis the first point raised fails. Turning to second point, this Court without interfering with the order of this Court in W.P.No.22115 of 2023, merely makes a clarification that the benefit would be available only for candidates who joined the course in 2019-2020, since the G.O.(Ms).No.49, H&FW(MCA-1) Dept. dated 28.02.2024 was issued.

5.This Court now directs that the respondents in writ petition to return the certificates in due compliance of the order of this Court passed in W.P.No.22115 of 2023 on or before 10.01.2024.

6.The Review is hereby disposed of with the above clarification. No costs. Consequently, the connected miscellaneous petition is closed.

03.01.2025

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1.The Registrar
Tamil Nadu Dr.M.G.R. Medical University
No.69, Anna Salai, Guindy
Chennai 600 032



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N.SESHASAYEE, J.

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