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WP.No.32904 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.09.2025

Pronounced on : 23.09.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

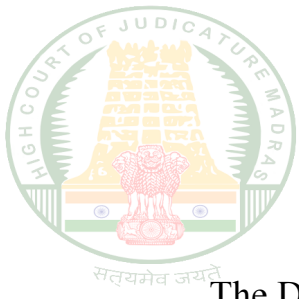
WP.No.32904 of 2024 and
WMP.Nos.35722 & 35724 of 2024

Dr.R.Prabha

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. By its Secretary,
Health & Family Welfare Department,
Fort St.George, Chennai-9
- 2.The Director of Medical Education and Research,
Directorate of Medical Education and Research,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai-10
- 3.The Director of Public Health & Preventive Medicine,
Directorate of Public Health & Preventive Medicine,
359, Anna Salai, DMS Complex,
Teynampet, Chennai-6
- 4.The Dean,
O/o The Dean,
Government Mohan Kumaramangalam
Medical College,
Salem District 636 030
- 5.The District Collector,

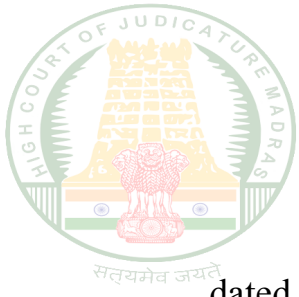


The District Collectorate,
Salem Dt 636 001
6.The Tahsildar,
Edappadi Taluk,
Salem Dt 637 101

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent relating to the issue of conditions imposed on the service candidates in the prospectus for admission to Post Graduate Degree/Diploma Courses in Tamil Nadu Government Medical Colleges and Government Seats in Self-Financing Medical Colleges Affiliated to the Tamil Nadu Dr.M.G.R.Medical University & Rajah Muthiah Medical College Affiliated to Annamalai University 2019-2020 Session dated 10.03.2019 insofar as compelling the petitioner to serve till superannuation failing which to pay Rs.40,00,000/- (Rupees Forty Lakhs only) as security and the bond dated 07.08.2019 executed by the petitioner pursuant to the same; on the file of first respondent approving the said bond condition of the said Prospectus vide G.O.(D) No.443 Health and Family Welfare (MCA-1) Department



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dated 08.03.2019; on the file of the fourth respondent relating to the issue of Ref.No.7479/E4/2023 dated 19.12.2023 to the petitioner and on the file of the fifth respondent relating to the issue of the Na.Ka.No. e-2101886/2024/E4 dated 19.12.2023 to the petitioner and on the file of the fifth respondent relating to the issue of the Na.Ka.No. e-2101886/2024/ E4 dated 01.07.2024 to the petitioner and quash the same and consequently direct the respondents to discharge / release the petitioner from the said conditions imposed on her by the impugned bond executed by the petitioner for getting admission to the PG degree course in 2019-2020 Sessions and to direct the respondents to return all the petitioner's educational certificates within a time frame as may be fixed by this Court.

For Petitioner : Mr.N.Subramaniyan

For Respondents

For R1 to 4 : Mrs.M.Sneha,
Special Counsel for Health Department

For R5 & 6 : Mr.K.Tippu Sulthan,
Government Advocate

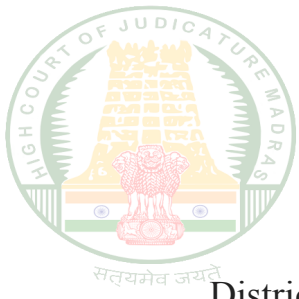


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ORDER

This writ petition has been filed challenging the conditions imposed on the service candidates in the prospectus for admission to Post Graduate Degree/Diploma Courses in Tamil Nadu Government Medical Colleges and Government Seats in Self-Financing Medical Colleges Affiliated to the Tamil Nadu Dr.M.G.R.Medical University & Rajah Muthiah Medical College Affiliated to Annamalai University 2019-2020 Session dated 10.03.2019 insofar as compelling the petitioner to serve till superannuation failing which to pay Rs.40,00,000/- (Rupees Forty Lakhs only) as security and the bond dated 07.08.2019, and also challenging the orders of respondents 1, 4 & 5.

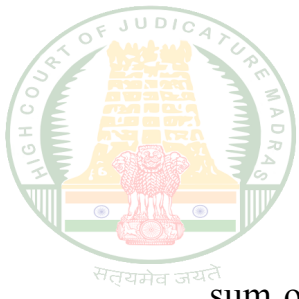
2. The petitioner, after completion of her UG degree, was qualified in the NEET PG entrance examination and she was eligible to get post graduation seat. Earlier, after completion of her undergraduation, she had been appointed as Casualty Medical Officer at Government Mohan Kumaramangalam Medical College and Hospital, Salem by direct recruitment. Thereafter, she was transferred as Medical Officer at Government Upgraded Primary Health Centre, Elampillai, Salem



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District. As service candidate, as per the prospectus for the post graduation degree in Tamilnadu Government Medical Colleges for the batch 2019-2020, she should apply only as service candidate and there was no provision for service candidate to opt for applying as non-service candidate (general category) foregoing the pay scale. Therefore, she applied as service candidate and she was awarded 5% incentive mark considering her service of 1 year and 7 months in rural area. She was selected for MS (Obstetrics and Gynaecology) in Government Medical College, Thanjavur. She had executed bond as per the prospectus during her post graduation course. During her post graduation course, she had worked as post graduate doctor in Department of Obstetrics and Gynaecology and she was also put on covid-19 duty from March 2020 to 20.06.2022. After completion of her post graduation, she was posted as Assistant Professor in the Department of Obstetrics and Gynaecology at Government Mohan Kumaramangalam Medical College and Hospital, Salem. However, she could not continue her service due to her illness and also other family circumstances. Therefore, the fourth respondent issued show cause notice dated 19.12.2023 thereby demanded to pay a



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sum of Rs.1,61,55,261/- computing the bond amount with penal interest till her superannuation. On receipt of the same, the petitioner submitted her explanation. Further, the fourth respondent requested the fifth respondent to recover the bond amount under Section 5 of Revenue Recovery Act by the communication dated 14.05.2024. Thereafter the fifth respondent authorised the sixth respondent to recover the bond amount from the petitioner by an order dated 01.07.2024.

3. The learned counsel appearing for the petitioner would submit that the demand is exorbitant and there is no basis for claiming such huge amount. Though the petitioner had secured high scores to get PG seat under open quota, she was not allowed to apply as non-service candidate under open quota since non-service candidates have to serve only for one year or to pay a bond amount of Rs.20,00,000/- as penalty. But the service candidates have to render their service till their superannuation or to pay a bond amount of Rs.40,00,000/- as penalty. It is illegal, irrational, discriminatory, disproportionate without any founding principle. The condition of service till superannuation is

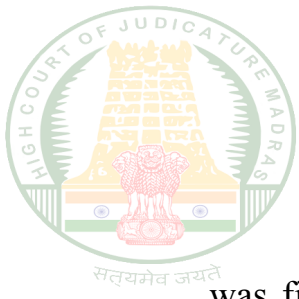


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nothing but bonded labour under slavery. The bond conditions were approved by the Government Order in G.O.(D) No.443 Health and Family Welfare (MCA-1) Department dated 08.03.2019. The bond condition mandating the petitioner to render service till her superannuation is blatantly illegal and arbitrary. Therefore, the Government Order in G.O.(D) No.443 Health and Family Welfare (MCA-1) Department dated 08.03.2019 is illegal, onerous and manifestly arbitrary and it is in violation of Article 14 of the Constitution of India. No one can be compelled to render service to the State till superannuation against their will.

3.1 In this regard, the learned counsel relied upon the judgment of the Hon'ble Supreme Court of India in the case of *Association of Medical Super Speciality Aspirants & Residents and others Vs. Union of India* reported in (2019) 8 SCC 607, wherein it was held that the bond period security amount prescribed for providing admission to PG degree courses shall be reasonable and it was directed to fix the period as two years and the bond amount as Rs.20,00,000/-. In fact, the annual fees



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was fixed as per the fee committee and the annual fees to be collected from the candidates who are being admitted in the post graduation degree under the Government quota in private medical colleges is only Rs.4,00,000/- per year and it works out to Rs.12,00,000/- for three years. Therefore, the penalty for breach of bond condition could be at the maximum of only about Rs.12,00,000/-. Hence, the bond amount of Rs.40,00,000/- is baselessly high . The demand of Rs.1,61,55,261/- is illegal since the petitioner had received salary during the study period, which only amounts to a sum of Rs.27,22,354/- and after deducting the monthly stipend, it will come around Rs.12,50,000/- only. As per Sections 73 and 74 of Indian Contract Act, even though the bond stipulates particular amount, the petitioner is liable to pay only the loss caused to the State due to the breach of bond conditions not exceeding the amount stipulated in the bond. Therefore, the demand of such huge sum cannot be sustained and it is blatantly in violation of Article 300A of the Constitution of India since it is demanded without any sanction of law.



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3.2 He also relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Mohini Jain Vs. State of Karnataka*** reported in **(1992) 3 SCC 666**, wherein it was held that right to education is a fundamental right. The relevant portion of the said judgment is extracted hereunder:

..... "Right to life" is the compendious expression for all those rights which the Courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from right to life. The right to life under [Article 21](#) and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to provide educational facilities at all levels to its citizens.

The fundamental rights guaranteed under Part III of the Constitution of India including the right to freedom of speech and expression and other rights under [Article 19](#) cannot be appreciated and fully enjoyed unless a citizen is educated and is conscious of his individualistic dignity.....



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3.3 Therefore, the petitioner can very well continue her education without execution of any bond. The learned counsel for the petitioner further contended that the demand must be reasonable and in this regard, he relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Association of Medical Super Speciality Aspirants & Residents and others Vs. Union of India*** reported in (2019) **8 SCC 607**, wherein it is held as follows:

19. Reasonableness is a ground that pervades through the submissions made by the counsel on both sides. In the State of West Bengal, the requirement of a compulsory bond was initially a service of one year in the State in default of Rs.10 Lakhs was to be paid. This was enhanced to three years and Rs.30 Lakhs by a Notification dated 09.10.2014. In the State of Tamil Nadu, the bond condition was that a doctor has to serve for ten years in the State and in default of which, the doctor was to pay Rs.2 Crores. This was reduced to two years and Rs.50 Lakhs. The Armed Forces Medical College imposes a condition of five years compulsory service in the Army for post-graduate and super Speciality doctors who prosecuted their study in the college. They have an option of not serving for five years



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by recompensing the Government by paying Rs.25 Lakhs. The main contention of the counsel appearing for the Appellants is that the condition of a long period of service that is imposed is unreasonable. The basis for the submission is that they have already served the society by working in Government hospitals while undergoing their course. Further conditions imposed on them would impede the progress of their careers. Restrictions placed on their choice of place of work are also unreasonable according to them. An alternate submission made by the counsel appearing for the Appellants is that the imposition of the condition of compulsory bond should be reasonable and the exit clause should be relaxed. Notifications issued by the State Governments imposing a condition of compulsory service and a default clause are per se not unreasonable. However, we are in agreement with the learned counsel for the doctors that the period of compulsory service and the exit should be reasonable. The State Governments and the Armed Forces Medical College are directed to consider imposing the condition of compulsory service period of two years in default of which the Doctors shall recompense the Government by paying Rs. 20 Lakhs.



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3.4 Therefore, the learned counsel for the petitioner prayed to set aside all the orders impugned in this writ petition.

4. Heard, the learned counsels appearing on either side and perused all the materials placed before this Court.

5. On perusal of the counter filed by the fourth respondent and on the submissions of the learned Special Counsel for Health and Family Welfare Department, it is revealed that the petitioner was selected for her post graduation degree in MS (Obstetrics and Gynaecology) as service candidate at Government Medical College, Thanjavur for a period from 01.05.2019 to 20.06.2022. She had executed a bond dated 07.08.2019 and undertook to serve the Government of Tamilnadu till her superannuation, failing which, she shall pay a sum of Rs.40,00,000/- along with interest. After successful completion of her PG course, she was posted as Assistant Professor in Obstetrics and Gynaecology at Government Mohan Kumaramangalam Medical College, Salem and she served there from 21.06.2022 to 13.07.2023. Thereafter, she availed



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medical leave from 14.07.2023 to 21.08.2023. From 22.08.2023, she was unauthorisedly absent from duty. In fact, she was referred before medical board by the communication dated 25.08.2023. But the petitioner did not appear before medical board and failed to submit any explanation. Therefore, she attended duty only for 1 year and 22 days after completion of her post graduation degree. She failed to attend duty for the remaining of service of 26 years 1 month and 10 days. Therefore, as per the bond executed by the petitioner dated 07.08.2019, she had agreed to serve the Government of Tamil Nadu till her superannuation and on failure of not completing the bond period fully, the petitioner shall have to pay Rs.40,00,000/-, and in default of the same, the petitioner shall have to pay the bond amount along with interest. But the petitioner was served with demand notice for a sum of Rs.1,61,55,261/-. The said demand is contrary to the bond condition. The interest cannot be calculated till the petitioner's superannuation. The bond amount shall be paid by the petitioner with interest till the date of demand. Further after completion of her post graduation, the petitioner had served from 21.06.2022 to 13.07.2023.



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6. Further, as per the clarification letter issued by the Health and Family Welfare (B1) Department dated 26.04.2024 to the third respondent, in the cases of non compliance of bond conditions by the medical officers, the recovery of the interest for the contractual bond amount should be calculated from the date of demand till the date of payment as per the prospectus of the course they underwent and it must not be calculated till the date of superannuation of the medical officer. Therefore, the order of demand and consequential recovery proceedings cannot be sustained and the same are liable to be quashed insofar as the interest portion alone.

7. Therefore, this Court is inclined to direct the petitioner to pay only a sum of Rs.40,00,000/- as bond amount within a period of four weeks from the date of receipt of copy of this order, failing which the fifth and sixth respondents are directed to recover the said bond amount with interest at the rate of 6% from the date on which the aforesaid four weeks is completed till payment, in accordance with law.



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8. Insofar as the Government Order and the prospectus are concerned, the petitioner, after having been executed the bond as per the prospectus and joined in her post graduation degree and after completion of her post graduation, had served for 1 year and 22 days. After her unauthorised absence, she challenged the very Government Order and prospectus. After going through the terms and conditions of admission, the petitioner had choosily and voluntarily had executed the bond to pursue her post graduation degree. Further the bond executed by the petitioner was found to be valid. In this regard, this Court held in the case of ***State of Tamilnadu Vs. P.S.Sairam and others*** reported in **2020 SCC Online Mad 2742**, as follows:

76. We find force in the submissions of the learned counsel for the State and the Medical Council of India that the said Bulletin and prospectus clearly state that the candidates have to visit the website of the College/institution to check the information and they will examine the points before opting for a seat at a Medical College. It is urged that since the question was specific, it was clearly answered that they will have to refer to the terms and conditions as well as admission conditions of the respective medical colleges, where



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they opt for seats. It was further made open to them to seek any clarification from the said institutions.

77. In this background, what we find is that even if the Government Order dated 14.1.2015, which is the source of authority of the prospectus issued by the State, may not mention specifically about the All India Quota candidates, it does not even exclude them by any specific recital. It is only by inference that the candidates have come forward saying on the basis of clarification issued by the Government of India and the conduct of the State in releasing certificates in the past and the communication dated 17.7.2017 that the claim is being set forth that they are entitled to a similar treatment. It cannot be ignored that in spite of this, all the writ petitioners and candidates had duly filled up their bonds, which fact has not been disputed by them. It is only after entry and having taken admission in the respective medical colleges, and upon passing out that these disputes were sought to be raised in the manner aforesaid.

78. We, therefore, find that there was sufficient caution to all the candidates about the terms and



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conditions of admission which they had to verify from the respective institutions, and in the present cases, all the candidates have consciously and voluntarily filled up the bonds and have pursued their courses of study. The execution of such bonds has been found to be valid on principles by the Apex Court in the judgment referred to above.

9. The above judgment is squarely applicable to the case on hand and as such, insofar as challenges made against the prospectus for admission to Post Graduate Degree/Diploma Courses in Tamil Nadu Government Medical Colleges and Government Seats in Self-Financing Medical Colleges Affiliated to the Tamil Nadu Dr.M.G.R.Medical University & Rajah Muthiah Medical College Affiliated to Annamalai University 2019-2020 Session dated 10.03.2019 insofar as compelling the petitioner to serve till superannuation failing which to pay Rs.40,00,000/- (Rupees Forty Lakhs only) as security and the bond dated 07.08.2019 executed by the petitioner pursuant to the same and the Government order in G.O.(D) No.443 Health and Family Welfare (MCA-1) Department dated 08.03.2019 cannot be countenanced and the same are dismissed.



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10. However, in respect of the bond amount alone, the impugned orders of the fourth and fifth respondents are modified to the effect that the petitioner shall pay only a sum of Rs.40,00,000/- as bond amount within a period of four weeks from the date of receipt of this order, failing which the fifth and sixth respondents shall recover the said bond amount with interest at the rate of 6% from the date on which the aforesaid four weeks is completed till payment, in accordance with law.

11. In the result, this writ petition stands partly allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

23.09.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

1. Secretary,
The Government of Tamil Nadu,
Health & Family Welfare Department,
Fort St. George, Chennai-9
2. The Director of Medical Education and Research,
Directorate of Medical Education and Research,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai-10
3. The Director of Public Health & Preventive Medicine,
Directorate of Public Health & Preventive Medicine,
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4. The Dean,
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Government Mohan Kumaramangalam
Medical College,
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5. The District Collector,
The District Collectorate,
Salem District 636 001
6. The Tahsildar,
Edappadi Taluk,
Salem District 637 101
7. The Government Advocate,
High Court of Madras

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G.K.ILANTHIRAIYAN, J.

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