



W.P. No.39353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

W.P. No.39353 of 2024

Dr. Helina Selva Pushpa

...Petitioner

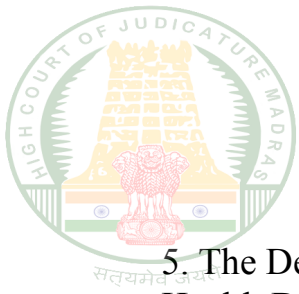
Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai – 09.

2. Directorate of Medical Education,
Rep. by the Director of Medical Education,
Kilpauk,
Chennai – 10.

3. Directorate of Medical and Rural Health Services,
Rep. by the Director of Medical Health
and Rural Health Services,
359, Anna Salai,
Chennai - 06.

4. Directorate of Public Health and Preventive Medicine,
Rep. by the Director of Public
Health and Preventive Medicine,
359, Anna Salai,
Chennai – 06.



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5. The Deputy Director for Health Services,
Health Department,
Ranipet.

6. The Medical Officer,
Government Primary Health Center,
Melvisharam,
Ranipet.

7. The Government Stanley Medical College,
Rep. by its Dean
Chennai.

8. The Tamil Nadu Dr. M.G.R. Medical University,
Rep. by its Registrar,
No.69, Anna Salai,
Guindy,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to treat the petitioner's compulsory bond period as completed in view of the service / duty rendered by the petitioner during the Covid Period from 08.06.2020 to 31.05.2022 and to consequently direct the 5th & 6th respondents to relieve the petitioner from the bonded service and to direct the 7th and 8th respondents to return all the remaining original certificates and documents collected by the 7th respondent while admitting the petitioner to the post graduate Degree Course along with her Post Graduate Degree Certificate and to return the Bank Guarantee of Rs.13,33,334/-.



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For Petitioner : Mr.S. Sathish Rajan

For Respondents : Mrs.M. Sneha
Standing Counsel for R1 to R7

Mr.G. Arumugam
Standing Counsel for R8

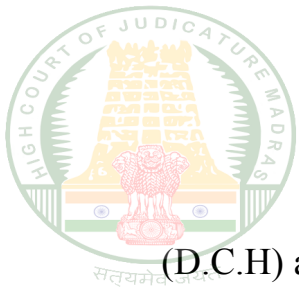
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ORDER

This writ petition has been filed to direct the respondents to treat the petitioner's compulsory bond period as 8/6/2020 to 31/5/2022 and consequently direct the 5th & 6th respondents to relieve the petitioner from the bonded service and to direct the 7th and 8th respondents to return all the remaining original certificates and documents collected by the 7th respondent while admitting the petitioner to the post graduate Degree Course along with her Post Graduate Degree Certificate and to return the Bank Guarantee of Rs.13,33,334/-.

2. The facts of the case in brief are as follows:-

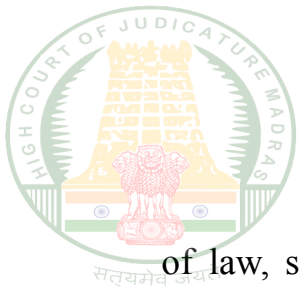
The petitioner is a Doctor by profession. She has successfully completed M.B.B.S course from the Tamil Nadu Dr.M.G.R.Medical University during the year 2015 and completed the Post Graduate Diploma in Child Health



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(D.C.H) at Stanley Medical College, Chennai, during May 2022. At the time of admission to the Post Graduate Course, petitioner has executed a bond to the effect that after completing PG degree course, she will serve the State for a period of two years after completion of her course. Hence, joined the Bond Service at the sixth respondent Health Center on 2/1/2023 and worked till 12/3/2023 and availed maternity leave from 13/3/2023 to 12/3/2024. Thereafter, she cleared Post Diploma Centralized Entrance Test (PDCET) and in the counseling held on 24/8/2023. She was placed at Kanchi Kamakoti Child Trust Hospital to pursue Diplomate National Board (DNB) in Pediatrics. The fourth respondent asked the petitioner to submit a Notarized undertaking stating that the petitioner will join and complete the remaining bond period, after completing the DNB course. When the same was informed to the seventh respondent, they directed the petitioner to execute a Bank Guarantee for a sum of Rs.13,33,334/-, since the petitioner has not completed the bond period.

3. After execution of the Bank Guarantee, seventh respondent had returned only D.C.H Degree, M.B.B.S Degree and M.B.B.S Registration Certificates and the rest of the certificates were retained by the seventh respondent, for the reasons best known to them. In view of the settled position



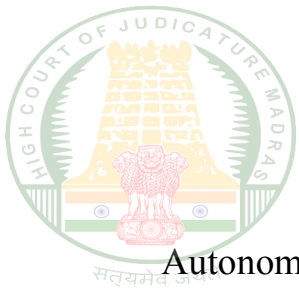
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of law, service rendered by the petitioner during COVID 19 pandemic from 8/6/2020 to 31/5/2022 is to be computed as bond service. Hence, the petitioner had approached this Court by way of the present writ petition.

4. Heard Mr.S.Sathish Rajan, learned counsel for the petitioner and Mrs.M.Sneha, learned Special Counsel for the respondents 1 to 7 and Mr.G.Arumugam, learned Standing Counsel for the eighth respondent.

5. The learned counsel appearing for the petitioner would submit that the respondents neither have relieved the petitioner nor returned the Original certificates and also not returned the Bank Guarantee, which only forced the petitioner to file the instant writ petition.

6. The learned Special Counsel appearing for the respondents 1 to 7 would submit that once the petitioner having executed the bond and signed the undertaking, cannot at a later point of time, take a different stand by retracting from such undertaking. Hence, no leniency can be shown to the petitioner by relaxing the said period and if concession given, there will not be any difference between students, who pass out from private colleges or



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Autonomous Institutions and the petitioner had undergone all the privileges and grant of the Government.

7. The learned Special Counsel would cite the following judgments of the Hon'ble Supreme Court as well as the Hon'ble Division Bench of this Court to strongly oppose the return of original certificates to the petitioner by relaxing the bond service.

(i). Association of Medical Superspeciality Aspirants and Residents and Others Vs. Union of India and others, reported in (2019) 8 SCC 607

(ii). The State of Tamil Nadu and another Vs. P.S.Sairam (W.A.No.799 of 2019)

8. Perused the materials available on record.

9. The Government did not force the petitioner to choose admission in Government Colleges for undergoing PG courses and it was the petitioner, who on her own volition, applied under Government quota and got all the benefits, in addition to execution of bond. It is obligatory on the part of the State to



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ensure quality medical care to its citizens and every step taken by the Government cannot be thwarted and twisted for the benefit of individual Doctors, who are interested in earning wealth out of the subsidy granted by the Government.

10. In such a view of the matter, this Court is of the considered view that the petitioner having herself chosen to study in Government Colleges and executed bond without any disapproval, disagreement, opposition or demurrals, cannot at a later point of time, rescind their obligation by citing reasons in one way or the other, which were not found in the bond condition.

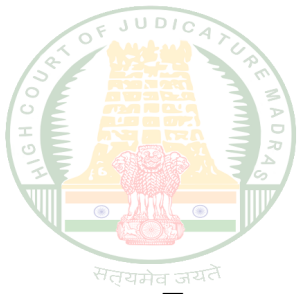
11. In the result, this writ petition is dismissed. No costs.

10/1/2025

Index : Yes / No

Neutral Citation : Yes / No

mvs.



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To
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