



Writ Petition No.39557 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 03.11.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.39557 of 2025**

Dr.V.Priyanka  
W/o.Dr.V.Manigandan

... Petitioner

VS

- 1.The State of Tamil Nadu,  
represented by its Principal Secretary,  
Health and Family Welfare Department,  
Secretariat, Chennai - 9.
  - 2.Directorate of Medical Education,  
represented by the Director of Medical Education,  
Kilpauk, Chennai - 10.
  - 3.Directorate of Medical and Rural Health Services,  
represented by the Director of Medical Health and  
Rural Health Services,  
No.359, Anna Salai, Chennai - 06.
  - 4.Directorate of Public Health and Preventive Medicine,  
represented by the Director of Public Health and  
Preventive Medicine,  
No.359, Anna Salai, Chennai - 06.
  - 5.Government Madras Medical College,  
represented by its Dean,  
Chennai - 600 003.
- ... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to treat the petitioner's one year bond period as completed and to consequently terminate her bond service and to direct the fifth respondent to return her original certificates and documents collected during her Post-Graduate admission along with her Post-Graduate degree certificate, Transfer Certificate and conduct certificate within a time limit to be stipulated by this Court.

For Petitioner : Ms.K.Dhivyashree

For Respondents : Mr.K.Tippusultan,  
Government Advocate  
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### **ORDER**

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to terminate the bond service of the petitioner and to further direct the fifth respondent to return all the original certificates and documents collected from the petitioner during her post-graduation admission.

2. Heard Ms.K.Dhivyashree, learned counsel for petitioner and Mr.K.Tippusultan, learned Government Advocate appearing for respondents.



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3. The case of the petitioner is that she completed her under-graduation course in the year 2019. Thereafter, she joined the post-graduation course in MS Ophthalmology in the year 2020 in a non-service category at Government Madras Medical College and completed the course in the year 2023.

4. At the time of admission to the course, the petitioner had executed a bond for a sum of Rs.40,00,000/- undertaking that she will serve for a period of two years after the completion of the post-graduation course. Accordingly, all the original certificates were handed over to the fifth respondent.

5. The further case of the petitioner is that after the completion of the post-graduation course, the petitioner was appointed by the fourth respondent on 11.10.2023 as an Assistant Surgeon to work as part of the bond condition for a minimum period of one year and eight months from the date of joining. Subsequently, the petitioner was posted and was serving at Government Primary Health Centre, Pudupadai, Ranipet Health Unit District from 02.11.2023 and she worked there until 31.03.2024 for a period of five months (151 days). At that time, the



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petitioner was eight months pregnant and hence, she availed maternity leave from 01.04.2024.

6. A Government Order came to be issued in G.O.(Ms) No.351 dated 27.10.2023 wherein the bond period of the non-service post-graduates was reduced from two years to one year.

7. The petitioner, under normal circumstances, should have served for the remaining bond period of seven months even after the coming into force of the Government Order. However, the petitioner was on maternity leave and she gave birth to a child on 06.05.2024. After the post-partum period, the petitioner sent a representation dated 03.12.2024 to the second respondent and on 03.02.2025 to the fourth respondent to issue fresh posting orders. However, the petitioner did not receive any reply. Ultimately, on 04.10.2025, the petitioner made a representation to respondents 2 to 5 to set off the maternity period against the remaining bond period and to return all the original certificates. Since the same was not acted upon, the present writ petition has been filed seeking appropriate directions.



8. Learned Government Advocate appearing on behalf of the respondents, based on the written instructions, received from the second respondent submitted that the petitioner has to serve the remaining bond period of seven months even as per G.O.(Ms) No.351 dated 27.10.2023.

9. This Court carefully considered the submissions made on either side and the materials available on record.

10. The short issue that arises for consideration is as to whether the petitioner has to serve the remaining seven months bond period or the period can be set off from the maternity leave availed by the petitioner. The above issue is no longer *res integra* and useful reference can be made to the judgment of the Division Bench of the Madurai Bench of this Court in W.A.(MD) No.860 of 2023 dated 19.06.2025. The relevant portions are extracted hereunder:

"8. As per the conditions set out in the prospectus, the appellant has to serve the Government of Tamil Nadu in one of their hospitals for a period of two years. This condition has to give way to the rights conferred on the women under the provisions of the Maternity Benefit Act, 1961. This is all the more so because the Hon'ble Supreme Court had declared that any woman has a fundamental right to the benefits arising out of her situation of maternity. Maternity leave is integral to maternity benefit and forms a facet of Article 21. The appellant no doubt is



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not a government employee. She is only obliged to render bond service to the Government of Tamil Nadu for a period of two years. But a regular State government employee is entitled to avail maternity leave for twelve months as per the amended Service Rules. We are of the view that the appellant is also entitled to the very same treatment applicable to any government employee. The fact that the appellant was only in the service of the government without being a regular employee is irrelevant. When the fundamental right of the appellant is involved, she is entitled to the protective umbrella of not only Article 21 but also Article 14.

9. John Milton in "Paradise Lost" sang "They also serve who only stand and wait". The second half of the bond service turned out to be maternity period for the appellant. Applying the legal fiction laid down in **Kavita Yadav**, the appellant must be taken to have served the Government of Tamil Nadu even during her maternity period. In other words, the maternity period of twelve months has to be counted as part of the bond period."

11. In the light of the above judgment of the Division Bench, the petitioner will be entitled for maternity leave for 12 months which has to be necessarily counted as a part of the bond period. Even otherwise, the petitioner had made a representation on 03.12.2024 requesting the second respondent to issue fresh posting orders. This was followed up with another representation on 03.02.2025 to the fourth respondent requesting for posting orders. Those representations were not acted upon and the entire period came to an end. That apart, the petitioner will be entitled to set off the maternity leave from the bond period as per the judgment of the Division Bench.

12. In the light of the above discussion, the remaining bond



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period of seven months has to be necessarily set off from the maternity leave and if the same is done, the bond period itself has come to an end in the light of G.O.(Ms) No.351, dated 27.10.2023 where the bond period was reduced from two years to one year.

13. In the light of the above, this Court holds that the entire bond period has been completed by the petitioner and hence, there shall be a direction to the fifth respondent to return the original certificates and documents collected from the petitioner at the time of post-graduation admission. This process shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.

This writ petition is disposed with the above direction. No costs.

**03.11.2025**

Index:yes/no

Speaking order/Non-speaking order

Neutral citation: yes/no

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**N.ANAND VENKATESH, J.**



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To

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