



W.P(MD)No.17043 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.17043 of 2025

Dr.J.Dilip Kumar

... Petitioner

Vs.

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

2.Directorate of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk, Chennai - 600 010.

3.The Dean,
Thanjavur Medical College,
Thanjavur,
Tamil Nadu.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to direct the third respondent to return the (1) Original 12th Mark Sheet, (2) Original UG 4 years Mark Sheets, (3) Original UG Degree Certificate, (4) Original PG Provisional, (5) Original PG Mark Sheets, (6) Original PG Degree Certificate and all other original documents deposited by respective petitioners retained by the third respondent regarding the Post-Graduation Courses of the petitioners respectively.



WEB COPY



W.P(MD)No.17043 of 2025

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

This writ petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. In this writ petition, the petitioner has prayed for the following relief:

To direct the respondents 1 and 2 to direct the third respondent to return the (1) Original 12th Mark Sheet, (2) Original UG 4 years Mark Sheets, (3) Original UG Degree Certificate, (4) Original PG Provisional, (5) Original PG Mark Sheets, (6) Original PG Degree Certificate and all other original documents submitted by the petitioner retained by the third respondent regarding the Post-Graduation Courses of the petitioner.

3. The petitioner has completed the P.G. Course in M.D.General Medicine at the third respondent college and has executed a bond for serving the Government for a period of two years. In the alternative, the petitioner has agreed to pay a sum of Rs.40,00,000/-. The petitioner also participated in the NEET Super Speciality Examination and secured Rank No.7426 and is likely to be inducted in the Government or private institution. The Certificate which were

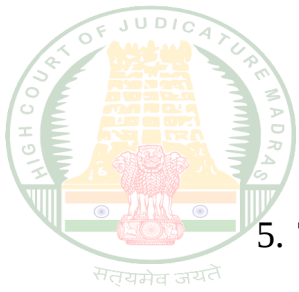


W.P(MD)No.17043 of 2025

given by the petitioner while pursuing the P.G.Course in M.D.General Medicine have not been returned, as the petitioner is unable to perform the conditions of the bond. In the affidavit filed in support of the present writ petition, the petitioner has agreed to furnish a consolidated bond as was the condition at the time of the execution of the bond earlier for pursuing the M.D.General Medicine course. The Paragraph No.14 of the affidavit reads as under.

“14. I humbly submit that I crave leave of the Hon'ble Court to add, amend, alter or delete any of the paragraphs, if found necessary. I also crave leave to urge other and further grounds at the time of hearing of the case which are not taken herein. Moreover, pending the writ petition, I have been called for bond service and have joined as Medical Officer at Budalur Government Hospital, Thanjavur District, on 30/05/2025. As of now, I have rendered 20 days of bond service. Although the bond service has now been assigned, I intend to complete my-super speciality course first. Upon completion of the course, I will report and serve the bond service as required, wherein, if such eventuality happens, I will be greatly be prejudiced, having secured a Seat in the present NEET Super Specialty Course 2025. Moreover, it is also pertinent to note that as far as studies are concerned, it can be done only till a particular age and also will be effective, if the studies are continuous, without any interruption. Hence, if I continue in the Bond-Service, with a break in the studies, it will be hard for me to undergo such the Super Specialty Course, which will not only be a loss to me, but also prejudicial to the Public.”

4. The same stands recorded.



W.P(MD)No.17043 of 2025

5. The learned counsel for the petitioner submits that the petitioner will comply with the above conditions.

6. The learned Government Advocate for the respondents would draw attention to the Government Order in G.O.(Ms).No.185, Health and Family Welfare (MCA-1) Department dated 13.04.2020, wherein, it is clarified as under:

4 The Government have examined the proposal of the Director of Medical Education and decided to accept the same. Accordingly, the Government do hereby issue orders to the Director of Medical Education as detailed below:-

(i) to permit the Non service Post Graduate candidates who have completed their Broad Speciality (MD/MS / Diploma) Course in State of Tamil Nadu (not completed their bond condition) and have selected for Higher Speciality courses through entrance examination (either / neither NEET-SS) in other State / Private self-financing / Deemed University to pursue the Higner Speciality course after obtaining the Bank Guarantee equivalent to the bond amount as prescribed in the respective year prospectus during the admission to Broad speciality courses from the academic year 2016-2017.

ii) to permit the Non service Post Graduate candidates who have completed their Higher Speciality (DM/M.Ch.) Course in State of Tamil Nadu (not completed their bond condition) and have selected for Fellowship course through entrance examination (either / neither NEET-SS) in other State /Private self-financing / Deemed University to pursue the Fellowship course after obtaining the Bank Guarantee equivalent to the bond amount as prescribed in the respective year prospectus during the admission to Higher speciality courses from the academic year 2016-2017.



WEB COPY

7. Already this Court by detailed order in W.P.Nos.18342, 18874 of 2025 and Rev.Aplw.Nos.146 to 148 of 2025 in W.P.Nos.17529, 18262 and 17424 of 2025 has laid down certain conditions to be followed under similar circumstances, which are reproduced below:

“6. After hearing extensive arguments from Ms.Sneha, learned Special Counsel for Health Department appearing for the Review Petitioners, Mr.K.R.Laxman and Mr.Sivaraman, learned counsel appearing for the respective Doctors, by consent, the following orders have been passed:

1. The petitioners shall produce the allotment letters before the Deans of the Medical Colleges, in which they underwent their post graduate medical education.

2. On production of their allotment letters, the respective Deans shall issue a certified copy of their certificates.

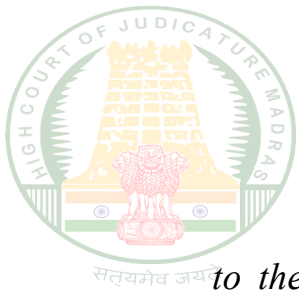
3. On the basis of the certified copies that have been issued, and together with their allotment letters, the students will be entitled to join the educational institutions, which has been allotted to them in the NEET Super Specialty counseling.

4. On being intimated by the writ petitioners, as to which Universities/Deemed to be Universities/DNB, under NBEMS in which the students have been admitted to, the Directorate of Medical Education will forward the certificates of the students to the respective Universities/Deemed to be Universities/NBEMS for registration.

5. Once the process of registration is completed, Universities/Deemed to be Universities/NBEMS to which the certificates have been sent, will return the same to the Directorate of Medical Education, Chennai.

6. The Directorate of Medical Education shall ensure that the certificates are retained safely.

7. On completion of their super speciality course, the students will report to the Directorate of Medical Education for obtaining posting orders in order to complete their bond. It shall be in writing and the same shall be acknowledged.



W.P(MD)No.17043 of 2025

8. *The Directorate of Medical Education shall issue posting orders to the students within a period of four months from the date of such reporting.*

9. *The Directorate of Medical Education shall issue posting orders to the students commensurate with their educational qualification.*

10. *The posting orders shall be on contract basis. The contract shall be valid for the period on the bond, or for the remaining period on the bond, in case the candidates have already served certain period under the bond.*

11. *On completion of the bond service, the Directorate of Medical Education will release the original certificates to the students.*

12. *On successful completion of the bond period, the Director of Medical Education or the Dean of the Hospital where the candidates have worked, shall give an experience certificate. The certificate shall mention the area and scope of work and the performance of the candidates.*

13. *In case, the Directorate of Medical Education does not issue posting orders within a period of four months from the date of reporting, the bond will be deemed to have been discharged and the Directorate of Medical Education shall issue the educational qualification certificates forthwith”*

8. In view of the undertaking given by the petitioner in Paragraph No.14 of the affidavit, the requirements of furnishing bank guarantee shall be dispensed with.

9. The petitioner is directed to comply with the above requirements. It is made clear that in case the petitioner commit any breach of the bond or the undertaking given before this Court in Paragraph No.14 of the affidavit, name of the petitioner will be struck off from the Medical Council of India.



W.P(MD)No.17043 of 2025

WEB COPY

10. The writ petition stands disposed of with the above direction. No costs.

25.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

Note: Issue order copy on 27.06.2025

To

- 1.The Principal Secretary,
Health and Family Department,
Secretariat,
Chennai - 600 009.
- 2.Director of Medical Education,
Represented by the Deputy Director of Medical Education,
Kilpauk,
Chennai - 600 010.
- 3.The Dean,
Thanjavur Medical College,
Thanjavur,
Tamil Nadu.



WEB COPY



W.P(MD)No.17043 of 2025

C.SARAVANAN, J.

sn

W.P(MD)No.17043 of 2025

25.06.2025