



W.P.(MD)No.21358 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.21358 of 2025

and

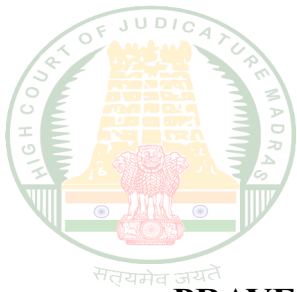
W.M.P.(MD)Nos.16483 and 16486 of 2025

S.Siva Nanthini

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
 - 2.Directorate of Municipal Education,
Rep. by the Director of Medical Education,
Kilpauk, Chennai – 600 010.
 - 3.Directorate of Medical and Rural Health Services,
Rep. by the Director of Medical Health and Rural Health Services,
359, Anna Salai, Chennai – 600 006.
 - 4.Directorate of Public Health and Preventive Medicine,
Rep. by the Director of Medical Health and Preventive Medicine,
359, Anna Salai, Chennai – 600 006.
 - 5.Kanyakumari Government Medical College,
Rep. by its Dean,
Asaripallam, Nagercoil, Kanyakumari - 629201.
- ... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the fifth respondent contained in the Show cause Notice bearing Ref.No.1798/ME2/2023 dated 20.09.2024 and all proceedings in furtherance thereof and to quash the same as arbitrary and unjust and consequently, to direct the respondents to treat the petitioner's bond period as complete and direct the fifth respondent to return the petitioner's original certificates and documents collected by the fifth respondent while admitting her to the postgraduate degree course along with her postgraduate degree certificate.

For Petitioner : Mr.Suhrith Parthasarathy

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

ORDER

The petitioner has challenged the impugned show cause notice dated 20.09.2024, bearing Reference No.1798/ME2/2023. By the impugned show cause notice, the petitioner has been informed that if the petitioner fails to attend the counselling for compulsory posting, an order will be issued making the petitioner liable to pay the bond amount and the same will be recovered under the Revenue Recovery Act. The impugned order reads as follows:—



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By Registered Post with Ack due

Ref.No: 1798 /ME2/2023

Office of the Dean,
Kanyakumari Govt. Medical College
Asaripallam
Dt.: 28.09.2024

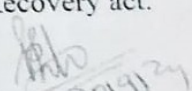
SHOW-CAUSE-NOTICE

Sub: Medical Education – Kanyakumari Govt. Medical College, Asaripallam Online Counseling for Non Service Post Graduate students completed during 2023-Conducted on 18.09.2024- Failed to attend the counseling - Completion of Bond service under rule 19 (1) clause of Tamilnadu Govt. Servents (Conditions of Service) Act 2016-Show Cause Notice -Issued-Regarding .

Ref: Ref.No.081370/ME2/1/2023-NSPG.Dated:12.09.2024 of the Directorate of Medical Education & Research, Kilpauk, Chennai-10 communicated vide this office ref no 1798/ME2/2023 dated 16.09.2024

As per the reference cited, Dr S Sivananthini, Non Service Post Graduate in MS O&G who was admitted during the Academic year 2020-2021 and completed course on 04.11.2023 (course extended due to break of study) was instructed to attend the online counseling for postings conducted by the Directorate of Medical Education and Research on 18.09.2024 to fulfill the Bond executed during the admission to the Post Graduate course. But the candidate failed to attend the said counseling.

The candidate is hereby informed that compulsory posting orders will be issued by the Director of Medical Education and Research, Chennai to her. Failing to join the said posting will be construed that the candidate is not willing to join & fulfil the bond service and will be liable for the provisions in the compulsory bond under Revenue Recovery act.


DEAN (FAC)

To:
Dr.S Sivananthini,
30/3, Periyavilai,
Eathamozhy Post-629501.

Copy Submitted to: The Director of Medical Education and Research, Kilpauk, Chennai-10- for kind information.



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2. The petitioner pursued M.S. in Obstetrics and Gynaecology at the fifth respondent institution, namely, Kanyakumari Government Medical College. between 2020 and 2023. Being a non-service candidate, the petitioner, at the time of joining the postgraduate course, was required to execute a bond for a sum of Rs.40,00,000/-, undertaking to serve the Government for a period of two years upon completion of the course. However, the said two-year service period was subsequently reduced to one year by G.O.(Ms)No.351, Health and Family Welfare (MCA-1) Department, dated 27.10.2023. The petitioner joined the course in June 2020 and completed it on 04.11.2023, after availing a break of five months on account of maternity leave.

3. The petitioner's case is that the respondents are refusing to return her original certificates on the ground that she has not completed the compulsory one-year Government service as per the bond conditions, which stood modified by the above-mentioned G.O.



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4. The learned counsel for the petitioner submits that, in the absence of a call for interview or posting order, the question of the petitioner reporting for Government duty did not arise. It is further submitted that, till date, no formal posting order has been issued to the petitioner. Therefore, the respondents cannot rely on the bond conditions to withhold her certificates or assert any lien over them.

5. On the other hand, the learned Government Advocate appearing for the respondents submits that a counselling notice was sent to the petitioner on 14.09.2024. In response, the petitioner informed that she was currently in Gujarat and unable to attend the counselling immediately. The petitioner's reply to the counselling notice, sent via WhatsApp on 18.09.2024, reads as under:–

"Nan ipo Gujarat la iruken ka.. Anga vara mudila udaney."

6. It is also noted that the petitioner was issued an email notice dated 16.09.2024, wherein a copy of the aforesaid counselling notice dated 12.09.2024 was enclosed. The said notice clearly mentioned that the counselling was scheduled to be held on 18.09.2024. However, the email remained undelivered and was returned with the following endorsement:-



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"There was a temporary problem delivering your message to sivananthini1995@gmail.com. Gmail will retry for 44 more hours. You'll be notified if the delivery fails permanently."

7. The learned counsel for the petitioner placed reliance on a decision of this Court rendered in a somewhat identical situation in the case of **Dr.K.Mariyam Jahana Shirin, Malappuram, Kerala vs. The State of Tamil Nadu and others** [W.P.No.1857 of 2025, dated 14.03.2025]. In that case, the petitioner sought to quash the posting order dated 07.11.2024 as arbitrary and unjust, along with a consequential direction to the Dean, Government Then Medical College, to treat the petitioner's bond period as completed and to return the original certificates and documents collected at the time of admission to the postgraduate course, including the postgraduate degree certificate.

8. This Court ultimately held that the impugned order in that case was unsustainable. This Court noted that a communication had been sent to the petitioner therein, as well as to one Dr.Nikhil Vijayan (M.S. General Surgery), directing them to report to the Director of Public Health and Preventive Medicine, Chennai, for the issuance of fresh posting orders, as they had failed to attend the counselling.



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9. Subsequently, on 15.11.2023, a compulsory posting order was issued to Dr.Nikhil Vijayan, assigning him to the Directorate of Public Health and Preventive Medicine, Chennai, at the Government Primary Health Centre, Pathukani, Nagercoil Health Unit District. This Court held that the petitioner therein ought to have been issued a compulsory posting order with acknowledgment due, similar to what was done in the case of Dr.Nikhil Vijayan. It was further observed that the respondents therein had not provided any justification for the inordinate delay of nearly one year from the communication dated 02.11.2023 in issuing the impugned compulsory posting order to the petitioner therein.

10. Relying on the said decision, the learned counsel for the petitioner submits that since in the present case, no posting order has been issued till date, the impugned show cause notice is liable to be quashed.

11. I have considered the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.



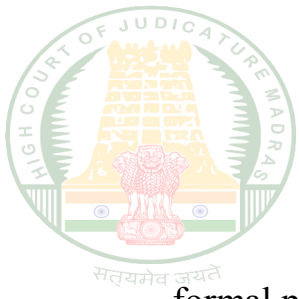
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12. The petitioner is a beneficiary of subsidised education provided by the State of Tamil Nadu. Admissions to postgraduate medical seats are granted based on rankings in the NEET-PG examination. In view of the same, the Government has adopted a policy mandating compulsory service for a period of two years, which was subsequently modified and reduced to one year, vide G.O. (Ms)No.351, Health and Family Welfare (MCA-1) Department, dated 27.10.2023. Accordingly, the petitioner was required to serve the Government for a period of one year upon completion of her postgraduate course in M.S. Obstetrics and Gynaecology.

13. The petitioner was served with a notice requiring her to appear for counselling on 18.09.2024. She was also informed of the same via WhatsApp message. However, the petitioner failed to attend the counselling, citing her presence in Gujarat as the reason for her inability to appear. As a result, the petitioner has breached the bond executed at the time of her admission to the postgraduate course at the fifth respondent college.

14. The contention of the learned counsel for the petitioner that no

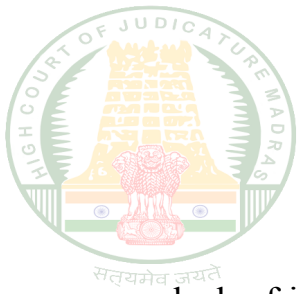


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formal posting order was issued to the petitioner cannot be accepted. The delay in posting was on account of her own failure to attend counselling. Furthermore, postings are generally issued in the month of September and in any event, the petitioner completed her course only in November 2023. Hence, the petitioner cannot now question the issuance of the impugned show cause notice. If the petitioner intends to resile from the bond obligation, she must compensate the Government in accordance with the bond terms.

15. In the light of the above, the petitioner is liable to compensate the Government proportionately in terms of the bond, as modified by G.O.(Ms)No. 351, Health and Family Welfare (MCA-1) Department, dated 27.10.2023. Having availed herself of the benefit of subsidised education, the petitioner is under a legal obligation to either fulfil the service commitment or pay the stipulated compensation. The bond amount was Rs.40,00,000/- for a two-year service obligation, which now stands reduced to one year. Therefore, the petitioner is liable to pay a sum of Rs.20,00,000/- for breach of the bond or alternatively, report for compulsory service under the supervision of the respondents 1 to 4.

16. Accordingly, the challenge to the show cause notice on the ground of



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lack of jurisdiction or procedural infirmity is not sustainable. The writ petition is devoid of merit and is, therefore, dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No

05.08.2025

Index : Yes / No

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Note:- Issue order copy on 07.08.2025.

To:-

- 1.The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The Director of Medical Education,
Directorate of Municipal Education,
Kilpauk, Chennai – 600 010.
- 3.The Director of Medical Health and Rural Health Services,
Directorate of Medical and Rural Health Services,
359, Anna Salai, Chennai – 600 006.
- 4.The Director of Medical Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
359, Anna Salai, Chennai – 600 006.
- 5.The Dean,
Kanyakumari Government Medical College,
Asaripallam, Nagercoil, Kanyakumari - 629201.



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C.SARAVANAN, J.

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