



W.A(MD)No.771 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.771 of 2025
and
C.M.P(MD)No.5220 of 2025**

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
- 2.The Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Directorate of Medical and Rural Health Services,
Represented by the Director of Medical
Health and Rural Health Services,
359, Anna Salai,
Chennai - 600 006.
- 4.The Directorate of Public Health and
Preventive Medicine,
Represented by the Director of Public
Health and Preventive Medicine,
359, Anna Salai,
Chennai - 600 006.



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5. Government Madurai Medical College,
Represented by its Dean,
Panagal Road, Alwarpuram,
Madurai – 625 050.

... Appellants/Respondents

vs.

Syed Mohammed Ali Ahamed

... Respondent/Writ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.06.2024 made in W.P(MD)No.13320 of 2024 on the file of this Court.

For Appellants : Mr.S.S.Madhavan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by J. NISHA BANU, J.)

The present Writ Appeal is filed, challenging the order dated 25.06.2024 passed in W.P(MD)No.13320 of 2024, in and by which, the learned Single Judge, while allowing the Writ Petition, directed the fifth respondent therein to return the writ petitioner's original certificates forthwith, with further direction to relieve him from the bonded service.



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2.In an identical issue filed by a set of Doctors in W.A.Nos.2583, 1922 and 1924 of 2024, seeking exemption of mandatory period as per bond conditions on the ground of their services rendered during pandemic has been negatived by this Court on 20.11.2024, holding as under:

“9. Heard the learned counsel for the appellants and the learned Special Counsel appearing for the respondents. This Court has given anxious consideration to the case on hand.

10. The appellants had completed Post Graduations in their respective fields from the Government Colleges and they are admittedly non service Doctors. Admittedly, a bond was executed by them, agreeing to serve in the Government Hospitals on completion of their PG courses and such bonds were obtained by the Government prior to the Covid period. Thereafter, on account of emergence of Covid-19 as a global pandemic in the year 2020, which reared its ugly head in India and affected the citizens of our country in the year June, 2020, the appellants along with other Doctors were pressed into service to treat corona affected people and it is no doubt true that they dutifully carried out their duties in Corona wards and treated people with a sense of conscience.

11. When the appellants were issued temporary appointment orders on the basis of their execution of bond to serve in Government Hospitals, problems cropped up and they started making hue and cry and they, based on their services during corona period, requested the respondents to reckon the said period for the purpose of calculating two years of service, which has subsequently been reduced to one year by G.O. (Ms) No.351 dated 27.10.2023, which, according to us, itself is an additional concession given to them by the Government. It was not the case



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WEB COPY *of the appellants that in the bond, the Government conceded to reduce the bond period, in case they served during outbreak or emergency situations. A bond is a kind of agreement entered into between two parties and it is incumbent upon the persons executing the same to abide by the terms and conditions of the bond and in the absence of any particular clause as claimed by the appellants, the request of the appellants, seeking relaxation de hors the absence of clause in the bond is not acceptable. The State Government spent huge sums of money for their PG studies with an expectation that on completion of courses, they would serve in Government Hospitals for a specified period as per the bond conditions, that too, on payment of monthly salary / stipend, for providing better treatment to the poor and needy, who aspire for superior or finer treatment in Government Hospitals,. The Government did not force the appellants to choose admissions in Government colleges for undergoing PG courses and it was the appellants, who, on their own volition, had applied under Government quota and got all the benefits, in addition to execution of bond. The service to the public during pandemic was to be construed as a service to the whole humankind and the appellants cannot expect to compensate for their service, which would fetch insult not only to the appellants, but to their profession too.*

12. Comparatively, the fee structures in private medical colleges that are recognized by the Medical Council of India, are always on the higher side and they charge fees ranging approximately from Rs.18,00,000/- to Rs. 25,00,000/-, apart from collection of monies under other heads This was the reason for students to choose admission in PG courses under Government quota and having availed concession and enjoyed all the benefits from the Government, there was no justification at all on the part of the appellants, seeking exemption of bond service. During emergency, Doctors are forefront



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13. The judgment relied upon by the appellants in the case of *Dr.D.Hariharan and Others vs. The State of Tamil Nadu and others (supra)* will not inure to the benefit of the appellants for the reason that the issue in that judgment related to the award of incentive marks on par with the Medical Officers in the light of G.O.(Ms) No.278 dated 17.08.2023, which is not the subject matter involved in these cases. The Apex Court in the cases of *Rai Sahib Ram Jawaya Kapur vs. State of Punjab*, reported in AIR 1955 SC 549 and *Bhishambar Dayal Chandra Mohan vs. State of Uttar Pradesh*, reported in 1982 (1) SCC 39 observed that the State in exercise of its executive powers is charged with the duty and responsibility of carrying on the general administration of the State and such exercise of power in the execution of public scheme cannot be said to be violative of fundamental rights enshrined under Articles 14, 19 and 21 of the Constitution.

14. As rightly held by the learned Single Judge, as per the norms of the National Medical Commission, medical attention / treatment to affected persons will be a part of their training during their studies in PG courses, which cannot be sought to be converted as a favour done to the Government, so as to waive the bond period of one year. The appellants were not asked to serve in Government Hospitals permanently, as the Government itself clearly stipulated in the appointment orders issued to them that the appointment made by the agreement under Rule 19(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 is purely temporary only for fulfilling the bond condition to service in



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Government Institutions. It is not known as to why the appellants are reluctant to serve in Government Hospitals even for that one year and this Court can only infer that they wanted to earn / mint more money after taking advantages of the benefits granted by the Government. Pertinent to state here that most doctors are academic achievers and without hard work, they could not have excelled in medical profession in this competitive world. Their attitude totally changes, when they come out of their training period in PG courses, as they start enjoying a quality of life, ignoring the fact that their services to mankind are services to God, on account of their greediness to achieve goals through their professional remuneration.

15. Learned Single Judge elaborately considered the expenses meted out by the Government for the PG studies of these appellants and more so, they had also made a declaration at the time of joining their respective PG courses, agreeing to serve in Government Hospitals as per the bond executed by them. Having availed concession and executed the bond thereof, they cannot take uturn now and deny to serve in the Government Hospitals as per bond conditions, owing to their services rendered during the outbreak of Covid-19.

16. For the foregoing discussions and observations, we are of the view that the appellants, having themselves chosen to study in Government Colleges and executed bonds without any disapproval, disagreement, opposition or demurrals, cannot, at a later point of time, rescind their obligations by citing reasons in one way or the other, which were not found in the bond conditions. Hence, we have no hesitation to hold that the order passed by the learned Single Judge is perfectly valid and warrants no interference by this Court.

17. Accordingly, all these Writ Appeals are dismissed. The appellants are directed to adhere to their bond conditions and serve



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WEB COPY *compulsorily in the Government Medical Colleges and Hospitals as per the appointment order for the period specified and agreed upon between the parties as per the bond conditions. No costs. Consequently, connected Miscellaneous Petitions are closed.*

3.The decision rendered by the Division Bench of this Court is squarely applicable to the facts of this case and therefore, the order passed by the learned Single Judge is liable to be set aside.

4. Accordingly, the Writ Appeal is allowed and the order dated 25.06.2024 passed in W.P(MD)Nos.13320 of 2024 is hereby set aside. Needless to state here that the respondent is directed to adhere to his bond conditions and serve compulsorily in the Government Medical Colleges and Hospitals as per the appointment orders for the period specified and agreed upon between the parties as per the bond conditions. No costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
28.03.2025

NCC : Yes / No
Index : Yes / No
ps

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ORDER MADE IN
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