



W.A.(MD) No.1899 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD) No.1899 of 2025

and

W.P.(MD) No.10933 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 Service,
359, Anna Salai, Chennai- 600 006.
- 4.The Directorate of Public Health and Preventive Medicine,
Represented by its Director of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai- 600 006.



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5.Government Thanjavur Medical College,
Represented by its Dean,
Thanjavur – 613 004.

... Appellants/ Respondents 1 to 5

Vs.

Dr.Pichano E Khuvung,
J1/247, Third Floor DDA Flats,
Kalkaji, New Delhi- 110 019.

... Respondent/Writ Petitioner

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 29.04.2024, passed in W.P.(MD)No.10311 of 2024, on the file of this Court.

For Appellants : Mr.B.Ramanathan
Additional Government Pleader

For Respondent : Mr.Suhrith Parthasarathy

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA,J.)

*For the sake of convenience, the parties are referred to as per their
ranking in the writ petition.*



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WEB COPY Brief facts of the case:

2. The writ petitioner has successfully completed his PG course in 5th respondent College in April, 2022. When he joined the course, the petitioner was a non-service candidate and he had executed a bond of undertaking to serve the Government of Tamilnadu for a period of two years after completing the course and the bond has subsequently been reduced to one year. The petitioner had filed W.P.(MD)No.10311 of 2024 seeking to direct the respondents to treat the petitioner's compulsory bond period as completed and consequently direct the respondents 2 to 4 to relieve the petitioner from the bonded service and direct the fifth respondent to return the petitioner's original certificates and documents along with PG degree certificates.

3. The petitioner had contended that he had rendered duty during COVID period and it is called as 'COVID duty' and he had also stated that the period of COVID duty should be treated as bond service. Since it was not considered, he had filed the said writ petition.



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4. Learned Single Judge holding that once educational certificates cannot be retain for any reason as no lien can be claimed thereon and educational certificates are not marketable commodities within the means of Section 171 of the Indian Contract Act, 1872 had allowed the writ petition and directed the fifth respondent to return the petitioner's original certificates forthwith without any delay and the second respondent was also directed to formally relieve the petitioner from the bonded service and the said exercise was directed to be done within a period of four weeks from the date of order.

5.Challenging the order of the learned Single Judge, the Government respondents have filed the present writ appeal, however, with the delay of 194 days. The writ petitioner has filed a detailed counter opposing the petition seeking to condone delay stating that the reasons cannot be accepted. This Court, considering the reasons stated for the delay on administrative side, condoned the delay and allowed the delay petition.



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6. The learned Additional Government Pleader appearing for the appellants contended that though there had been lapse on the part of the appellants on administrative side, the appellants have got a good case on merits. He would further submit that even in identical case filed by a set of doctors seeking for return of original certificate without insisting to work during the bond period, a Division Bench of this Court in WA(MD)Nos.2583,1922,1924,2796 and 2801 of 2024 had held that the appellants who had chosen to study in Government Colleges and executed bonds without any disapproval, disagreement, opposition or demurral, cannot, at a later point of time, rescind their obligations by citing reasons in one way or other, which were not found in the bond conditions and there is no need to set aside. Ultimately, the Division Bench had directed the similarly placed doctors to adhere to the bond conditions and serve compulsorily in the Government Medical college and Hospital as per the appointment order for the period specified and agreed upon between the parties as per bond condition. He would further submit that in view of the above, the order of the learned Single Judge in W.P(MD)No.10311 of 2024 dated 29.04.2024 is liable to be set aside. He would further submit that as on date, the respondent has to work for 75 days



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in compliance of the bond period and in the alternative in the event of the respondent not wanting to complete the bond period, he may be directed to pay the proportionate amount of Rs.4,16,665/- and in the event of respondent paying the said amount, the appellants are ready to return the educational certificates and issue PG certificate to him.

7. Mr.Suhrith Parthasarathy, learned counsel appearing for the respondent/writ petitioner would submit that though there had been delay on the side of the Government, the respondent without prejudice is now ready to pay the amount and receive the certificates.

8. In view of the above, without going into the merits of the case, a direction is issued to the writ petitioner to pay the amount of Rs.4,16,665/- forthwith and within three days from receipt of the amount, the appellants/respondents shall relieve the respondent/writ petitioner from the bonded service and return the petitioner's original certificates and also issue PG degree certificate.



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WEB COPY 9. With the above direction, this Writ Appeal stands disposed of. No Costs.

Consequently, connected Civil Miscellaneous Petition is closed.

[A.D.J.C., J.] & [R.P., J.]
10.07.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
PJL

To

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

2.The Directorate of Medical Education,
Represented by the Director of Medical Education,
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