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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 25.02.2026

Orders pronounced on : **11.03.2026**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.5520, 2025, 2831 and 2924 of 2026
and W.M.P.Nos.2142, 3152, 6008 and 6009 of 2026

In W.P.No.5520 of 2026:-

1. Dr.P.Parthiban
2. Dr.Hemalatha D.
3. Dr.K.Vinay
4. Dr.Pothana Nisha
5. Dr.S.Pavithra
6. Dr.M.Sangavi
7. Dr.Lakshmipuram Leela Vennela
8. Dr.R.Praveen
9. Dr.Jeena Jose
10. Dr.Lokeswari D.
11. Dr.Vijay Krishnan R.
12. Dr.Khuraishi Suraiah
13. Dr.Vijay S.
14. Dr.Manukonda Mounika
15. Dr.B.Vamshitha
16. Dr.P.Unnikrishnan
17. Dr.Danish Raja M.
18. Dr.Gokulakanna N.
19. Dr.Rishi Kumar S.
20. Dr.Gadiputi Harish Kumar
21. Dr.Arvind Rathod Jaloth
22. Dr.Layavarjitha S.
23. Dr.Shanmugapraba T.
24. Dr.Raga Deepika Kolli
25. Dr.Anmol Agarwal
26. Dr.Amritha Sureshbabu



27. Dr.Konkala Lavanya
28. Dr.Shanmuga Teja
29. Dr.Suriyapriya

.. Petitioners

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Versus

1. The State of Tamil Nadu
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.
2. Directorate of Medical Education and Research,
Represented by its Director,
Kilpauk, Chennai – 600 010.
3. Directorate of Medical and Rural Health Services,
Represented by its Director,
359, Anna Salai, Chennai – 600 006.
4. Directorate of Public Health and Preventive Medicine,
Represented by its Director,
359, Anna Salai, Chennai – 600 006.
5. Coimbatore Medical College,
Represented by its Dean,
Avinashi Road, Coimbatore – 641 018.
6. Madras Medical College,
Represented by its Dean,
No.1, EVR Periya Salai, Park Town,
Chennai – 600 003.
7. Government Vellore Medical College,
Represented by its Dean,
Arani Road, Adukkamparai,
Vellore – 600 011.
8. Government Mohan Kumaramangalam Medical College,
Represented by its Dean,
Fort Main Road, Salem – 636 002.
9. Government Kilpauk Medical College,
Represented by its Dean,



No.822, EVR Periyar Salai, Kilpauk,
Chennai – 600 010.

10. Government Cuddalore Medical College,
Represented by its Dean,
Annamalai Nagar, Chidambaram – 608 002.

11. Government Thoothukudi Medical College,
Represented by its Dean,
Kamaraj Nagar, 3rd Mile,
Thoothukudi – 628 008.

12. K.A.P.V.Government Medical College,
Represented by its Dean,
Periyamilaguparai, Trichy – 620 001.

13. National Medical Commission,
Represented by its Secretary,
Pocket 14, Sector – 8, Dwaraka Phase I,
New Delhi – 110 077.

.. Respondents

In W.P.No.2025 of 2026:-

1. Dr.Onkar Pujari
2. Dr.Viswaradhaya
3. Dr.Manasa M.
4. Dr.Soumyamay Mukherjee
5. Dr.Hariharan M.
6. Dr.Sonu C.

.. Petitioners

Versus

1. The State of Tamil Nadu
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.
2. Directorate of Medical Education and Research,
Represented by its Director,
Kilpauk, Chennai – 600 010.
3. Directorate of Medical and Rural Health Services,
Represented by its Director,
359, Anna Salai, Chennai – 600 006.



4. Directorate of Public Health and Preventive Medicine,
Represented by its Director,
359, Anna Salai, Chennai – 600 006.

5. Greater Chennai Corporation,
Represented by its Commissioner,
Ripon Buildings, Chennai – 600 003.

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

7. Thanjavur Medical College,
Represented by its Dean,
Medical College Road, Thanjavur – 613 004.

8. Stanley Medical College,
Represented by its Dean,
No.1, Old Jail Road, Chennai – 600 001.

9. Government Kilpauk Medical College,
Represented by its Dean,
Poonamalee High Road, Kilpauk,
Chennai – 600 010.

10. Coimbatore Medical College,
Represented by its Dean,
Avinashi Road, Coimbatore – 641 018.

11. National Medical Commission,
Represented by its Secretary,
Pocket 14, Sector – 8, Dwarka Phase I,
New Delhi – 110 077.

.. Respondents

In W.P.No.2831 of 2026:-

1. Dr.Thulasi N.
2. Dr.Gayatri S.
3. Dr.N.Tamil Aruvi
4. Dr.Rishaba Sri D.
5. Dr.R.Sujitha



6. Dr.Abinaya P.
7. Dr.Bharathi J.
8. Dr.Vinitha Kalaiselvan
9. Dr.Sowmya K.S.
10. Dr.Maheswari M.
11. Dr.Shanmugapriya S.
12. Dr.Poorvi L.
13. Dr.N.Suruthi
14. Dr.V.Gayathri
15. Dr.Jaya Subha O S.
16. Dr.Monisha A.
17. Dr.J.Noorul Jenira
18. Dr.Swetha S.
19. Dr.Joyce Cindhiya V.
20. Dr.P.Dhanalakshmi
21. Dr.P.Gayathri
22. Dr.Dharinni U. L.
23. Dr.Thamaya R.
24. Dr.Naveena M.
25. Dr.Balambikai A.
26. Dr.Sreenidhi Aishwarya C.
27. Dr.Harini S.
28. Dr.Nandhini Priyanka T.
29. Dr.Karnati Venkata Meghana
30. Dr.Varsha A.
31. Dr.Komatineni Pavithra
32. Dr.Subhashini C.
33. Dr.Krithika N.
34. Dr.Sivasankari M.
35. Dr.R.Monisha

.. Petitioners

Versus

1. The State of Tamil Nadu
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.
2. Directorate of Medical Education and Research,
Represented by its Director,
Kilpauk, Chennai – 600 010.
3. Directorate of Medical and Rural Health Services,
Represented by its Director, 359, Anna Salai, Chennai – 600 006.



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4. Directorate of Public Health and Preventive Medicine,
Represented by its Director,
359, Anna Salai, Chennai – 600 006.
5. Government Medical College and Hospital, Cuddalore,
Represented by its Dean,
Annamalai Nagar,
Chidambaram – 608 002.
6. Tirunelveli Medical College,
Represented by its Dean,
3, High Ground Road, Palayamkottai,
Tirunelveli – 627 011.
7. Madras Medical College,
Represented by its Dean,
No.1, EVR Periyar Salai, Park Town,
Chennai – 600 003.
8. Kilpauk Medical College,
Represented by its Dean,
No.822, EVR Periyar Salai, Kilpauk,
Chennai – 600 010.
9. Madurai Medical College,
Represented by its Dean,
Panagal Road, Alwarpuram,
Madurai – 625 020.
10. Stanley Medical College,
Represented by its Dean,
Old Jail Road, Royapuram,
Chennai – 600 001.
11. Thanjavur Medical College,
Represented by its Dean,
Thanjavur Medical College Road,
Thanjavur – 613 004.
12. Government Theni Medical College,
Represented by its Dean,
Shanmugasundharapuram Village,



Theni-Madurai Main Road, Andipatti,
Theni – 625 531.

13. Government Medical College Omandurar,
Represented by its Dean,
Omandurar Government Estate, No.167, Walajah Road,
Chennai – 600 002.

14. Government Thiruvavarur Medical College,
Represented by its Dean,
Master Plan Complex, Vilamal, Thandalai,
Thiruvavarur – 610 004.

15. Coimbatore Medical College,
Represented by its Dean,
No.1, Civil Aerodrome Post, Avinashi Road,
Coimbatore – 641 014.

16. National Medical Commission,
Represented by its Secretary,
Pocket 14, Sector – 8, Dwarka Phase I,
New Delhi – 110 077.

.. Respondents

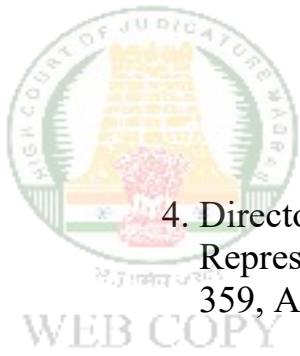
In W.P.No.2924 of 2026:-

Dr.S.Nikihil Deepika

.. Petitioner

Versus

1. The State of Tamil Nadu
Represented by its Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.
2. Directorate of Medical Education and Research,
Represented by its Director,
Kilpauk, Chennai – 600 010.
3. Directorate of Medical and Rural Health Services,
Represented by its Director,
359, Anna Salai, Chennai – 600 006.



4. Directorate of Public Health and Preventive Medicine,
Represented by its Director,
359, Anna Salai, Chennai – 600 006.

5. Madras Medical College,
Represented by its Dean,
No.1, EVR Periyar Salai, Park Town,
Chennai – 600 003.

6. National Medical Commission,
Represented by its Secretary,
Pocket 14, Sector – 8, Dwarka Phase I,
New Delhi – 110 077.

.. Respondents

Prayer in W.P.No.5520 of 2026 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the counselling conducted pursuant to the communication bearing R.No.10305312/E5/A4,2025, dated 28.01.2026 issued by the 4th respondent and the proceedings culminating in allotment of postings to the petitioners, and quash the same as arbitrary, unjust and illegal and consequently, direct the respondent Nos.2 to 4 to conduct fresh counselling in a fair and transparent manner by notifying speciality-wise vacancies and allot postings commensurate with the petitioners' postgraduate qualifications or in the alternative, direct the respondent Nos.5 to 12 to forthwith return the original certificates of the petitioners.

Prayer in W.P.No.2025 of 2026 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent Nos.1 to 4 to post the petitioners in Government Hospitals/Medical Colleges and Hospitals commensurate with their specialisation and qualification for the remainder of the bond period, or in the alternative, direct the respondent Nos.2 to 5 to relieve the petitioners from the bonded service and direct the respondent Nos.6 to 10 return their original certificates and documents.



Prayer in W.P.No.2831 of 2026 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent Nos.1 to 4 to post the petitioners in Government Hospitals/Medical Colleges and Hospitals commensurate with their specialisation and qualification for the remainder of the bond period or, in the alternative, direct the respondent Nos.2 to 4 to relieve the petitioners from the bonded service and direct the respondent Nos.5 to 15 return their original certificates and documents.

Prayer in W.P.No.2924 of 2026 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent Nos.1 to 4 to post the petitioner in a Government Hospital/Medical College and Hospital commensurate with her specialisation and qualification for the remainder of the bond period or, in the alternative, direct the respondent Nos.2 to 4 to relieve the petitioner from the bonded service and direct the fifth respondent to return her original certificates and documents.

In W.P.No.5520 of 2026:-

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mrs.N.Sneha, Standing Counsel
Asstd. by Mr.E.Sundaram,
Government Advocate, for RR-1 to 12

: Mrs.V.Sudha,
Senior Central Government
Standing Counsel, for R13

In W.P.No.2025 of 2026:-

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mrs.N.Sneha, Standing Counsel
Asstd. by Mr.E.Sundaram,
Government Advocate, for RR-1 to 10



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: Mrs.V.Sudha,
Senior Central Government
Standing Counsel, for R11

In W.P.No.2831 of 2026:-

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mrs.N.Sneha, Standing Counsel
Asstd. by Mr.E.Sundaram,
Government Advocate, for RR-1 to 15

: Mrs.V.Sudha,
Senior Central Government
Standing Counsel, for R16

In W.P.No.2924 of 2026:-

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mrs.N.Sneha, Standing Counsel
Asstd. by Mr.E.Sundaram,
Government Advocate, for RR-1 to 5

: Mrs.V.Sudha,
Senior Central Government
Standing Counsel, for R6



COMMON ORDER

The Petitions:

These Writ Petitions are related and are therefore disposed of by this common order.

1.1. Writ Petition No.2025 of 2026 has been filed by six petitioners. They were admitted to the Government Medical Colleges in Tamil Nadu for the academic year 2021-2022 through the All India Quota, based on their merit in the NEET PG examination. They pursued their courses and successfully completed their respective specialities, namely MS Orthopaedics, MS Ophthalmology, and MD Respiratory Medicine. At the time of admission, they were required to execute a compulsory service bond undertaking to serve the State Government for a period of two years. Upon completing their courses, the petitioners had to deposit their original educational and registration certificates with the concerned Medical Colleges. It is the duty of the State to issue postings and deploy them in positions appropriate to their qualifications and specialities so that the purpose of the bond- namely, utilising specialised medical expertise for public benefit- is fulfilled. While awaiting counselling for bond service postings, the petitioners were called to participate in the counselling conducted by the Greater Chennai Corporation and were issued posting orders on 13.05.2025, assigning them to various Primary Health Centres (PHCs),



Community Health Centres (CHCs), and Emergency Obstetrics Care Centres.

The petitioners had no other option but to join the duty. Therefore, the writ petition is filed seeking a Mandamus to post them in any Government Hospitals/Medical Colleges and Hospitals, consistent with their specialities and qualifications, for the remainder of the bond period, or alternatively, to relieve them from the bond service and direct the respondents to return their original certificates and documents.

1.2. Writ Petition No.2831 of 2026 is filed by thirty-five petitioners. They were admitted to Government Medical Colleges for the academic year 2022-2023 based on their merit in the NEET PG examination. These petitioners successfully completed MS Obstetrics and Gynaecology in October/November 2025. While so, all these specialists in the field of Obstetrics and Gynaecology were called for, and only for some, allocation was made in the specialist posts of Obstetrics and Gynaecology based on date of birth, which has no rationale or nexus with the objectives sought to be achieved. These petitioners were issued posting orders on 05.12.2025, deploying them to Primary Health Centres. Therefore, they also make a similar prayer as above.

1.3. Writ Petition No.2924 of 2026 is filed by the petitioner, who was admitted to Madras Medical College for the academic year 2022-23 into the MS Obstetrics and Gynaecology course based on her merit in the NEET PG



examination. She was also issued posting orders on 05.12.2025, deploying her to Primary Health Centres, as in the case of the petitioners in the above Writ Petition No. 2831 of 2026 and she also makes a similar prayer.

1.4. Writ Petition No. 5520 of 2026 is filed by twenty-nine petitioners. They completed their Post Graduate courses during October/November 2025 in various Government Medical Colleges in Tamil Nadu, specialising in MD General Medicine, MD Paediatrics, MD Respiratory Medicine, MD Dermatology, Venereology & Leprosy (DVL), and MS Otorhinolaryngology. They were given only a two-day notice to attend the counselling on 30.01.2026, and without any vacancy list or speciality-wise breakup details, they were deployed only to Primary Health Centres. Posting orders dated 02.02.2026 were communicated to them on 06.02.2026. Therefore, they have also approached this Court with a similar prayer.

The Counter :

2. The Writ Petitions are contested by filing a common counter-affidavit. It is stated that the requirement of compulsory bond service was upheld as legal by the Hon'ble Supreme Court of India in *Association of Medical Super speciality Aspirants and Residents and Others Vs. Union of India and Others*¹ (*AMSAR case*). It is submitted that the legal obligation arises because the State

¹ (2019) 8 SCC 607



subsidises the education of all these candidates by spending a large amount of money, and therefore the public has a right to utilise their services for the benefit of the poor and the needy, which justifies the compulsory bond service period. All these candidates are obligated to serve the bond period of two years, and there is no need for a counselling process regarding this. To benefit the candidates, a counselling is conducted to give them the option of location as far as possible to suit their convenience. There is no right to be posted in a particular place, and when only a few vacancies are available in the specialities, seniority is duly followed based on the date of birth.

The Petitioners' Arguments :

3. *Mr.Suhrith Parthasarathy*, the learned counsel appearing on behalf of the petitioners, would submit that, the Government issued G.O.Ms. No.255, Health and Family Welfare Department, dated 20.08.2009, which states that all posts under the Primary Health Centres are designated for doctors holding MBBS qualifications. It is specifically decided that doctors with specialisation shall not be posted in Primary Health Centres. Patients requiring specialist assistance should be referred to the Government Hospital or Speciality Care Hospital. When this is the case, bond service should be read in tandem with the said Government Order as the only service in the appropriate speciality.



3.1. The Government of Tamil Nadu is not conducting comprehensive counselling or following any seniority order; instead, it is calling candidates randomly by speciality. After randomly calling candidates for each speciality for counselling, the allocation to Primary Health Centres remains arbitrary.

3.2. The allotment of candidates with postgraduate speciality and super speciality to the Primary Health Centres that lack facilities to treat patients in that particular speciality is not in the public interest.

3.3. These candidates, after completing postgraduate studies which include practical training, should not be made to put their training and education on hold for two years, as this adversely affects their careers.

3.4. The State of Tamil Nadu does not allocate specialist posts in government hospitals, medical colleges, and higher-order treatment institutions solely for administrative convenience or to benefit in-service candidates' career advancement. Consequently, there is no public interest in wasting the services of these specialist doctors, and they must be released from their bond service immediately.

3.5. In any case, on previous occasions, the Government has considered the hardship and reduced the bond service period from two years to one year.



Therefore, either these doctors should be relieved immediately or, at the very least, the bond service should be reduced to one year, and their certificates should be returned to them.

3.6. In support of his submissions, he would rely on the Division Bench Judgment of the Bombay High Court in ***Kabeer Umakumar and Others Vs. State of Maharashtra and Others***², specifically relying on paragraphs Nos.22 and 23, where the Bombay High Court held that just because these doctors signed the bond, it does not mean they should be on the receiving end, putting their future at stake. It was also held that it would be appropriate that doctors with super-specialities or broad specialities should not be appointed and posted as Medical Officers in rural hospitals and Primary Health Centres. The dictum was followed, and a similar view was expressed in ***Dr.Vinod Shankarlal Sharma and Others Vs. State of Maharashtra and Another***³, particularly in paragraph No. 20 (i) and (ii). The learned counsel also relies on the judgment of this Court in the case of ***N.Thillai Mathiyarasi Vs. The State of Tamil Nadu and Others*** in ***W.P.(MD) No. 14681 of 2024***. Additionally, the judgment of the Hon'ble Division Bench of this Court in ***Dr.Nirmal M. Vs. The state of Tamil Nadu and Others*** in ***W.A.No.2256 of 2022*** and related cases is relied upon. Furthermore, the counsel refers to the judgment in the case of ***Dr. Sri Hari Vignesh R. Vs. The State of Tamil Nadu and Others*** in ***W.P.No.1571 of 2023***

² 2011 SCC Online Bom 1414

³ 2012 SCC Online Bom 1689



etc., batch, where in paragraph No.15, it is observed that doctors who have completed Post Graduation must be assigned work suited to their qualifications and specialisations, and they cannot be posted to basic PHCS lacking major facilities. The Court's judgment in the case of ***Dr. Stacy Ann Marbaniang Vs. The State of Tamil Nadu and Others***, in W.P.No.436 of 2023 particularly in paragraph No.8, states that doctors with Post Graduate degrees have devoted significant time, energy, and effort to gain their expertise. Appointing them in Primary Health Centres would therefore amount to underutilization of their talents. Consequently, the learned counsel prays for the Writ Petitions to be allowed.

The Respondents' Arguments:

4. *Per contra*, the learned counsel *Ms.Sneha*, appearing on behalf of the respondents, would place strong reliance on the judgment of the Hon'ble Supreme Court of India in ***AMSAR case*** (cited *supra*). She would submit that the very question of being posted to appropriate posts was considered by the Hon'ble Supreme Court of India while dealing with the validity of the bond service period, and the prayer on behalf of the doctors was rejected, and therefore they do not have any right to demand a particular post. As far as the State of Tamil Nadu is concerned, except for the confusion during the COVID period, all candidates without any exception are now made to render their bond service. It is only a method of deployment whereby, when some vacancies in



the speciality also arise, counselling for each speciality is called for. The petitioners cannot point out anyone who has been excluded from the bond service. When only a few vacancies are available in a particular speciality, they are allotted based on date of birth-seniority. The said criterion cannot be considered arbitrary.

4.1. Overwhelming public interest requires these doctors to serve in the Primary Health Centres as well. The questions regarding posting and the withholding of certificates were thoroughly considered and decided by the Division Bench of this Court in *State of Tamilnadu, through its Secretary, Department of Health and Family Welfare and Others vs. P.S. Sairam and Others*⁴. Regarding the choice of posting, when similarly placed doctors approached this Court in W.P. No. 16221 of 2025, this Court observed that, having studied medicine and taken an oath to serve the people in need, they should be prepared to serve anywhere and must discharge their professional duties to serve the people, not to enrich their pockets. Therefore, she prays that these Writ Petitions be dismissed.

Discussion & Findings:

5. Regarding the alternative prayer to reduce the bond period to one year, it falls within the policy domain of the State of Tamil Nadu, which will decide

⁴ 2020 SCC Online Mad 2742



based on the exigencies of service. It will always be open for them to determine the bond period. Therefore, the Court cannot order a reduction of the bond period from two years to one year. Two years cannot be deemed disproportionate or oppressive, as in the *AMSAR case* (cited *supra*), where in paragraph 19, the Hon'ble Supreme Court of India broadly indicated that a two-year period would be reasonable.

5.1. The next question is the release of certificates. It is true that issues related to lien and withholding certificates, as well as matters concerning discontinuation of courses in several other contexts, have been addressed in many orders of this Court. However, in the case of bond service by Post Graduate doctors, is specifically dealt with by the Division Bench in *P.S. Sairam's* case (cited *supra*). It is essential to refer to paragraph 84, which reads as follows.

“84. The nature of the bonds is categorical and the first lien of the Government over the certificates is more than evident. This nature of a voluntary transaction, therefore, in our opinion clearly binds all the writ petitioners to its terms and conditions that were never put to challenge. Their contention is that certificates of a large number of candidates have already been released and even subsequently, the letter dated 17.7.2017 by the Director of Medical Education fortifies their stand. Apart from this, there were various decisions of this High Court which have been complied with by the State and the certificates have been released. It is, therefore, submitted that any such denial to the writ petitioners would amount to discrimination.”

5.2. Thereafter, it has again been held in paragraphs Nos. 90 and 91 as follows.



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“90. These aspects and the constitutional issues answered by the Apex Court have nowhere been discussed in the Division bench judgment of W.A.No. 1444 of 2008 and as indicated above, the judgment in the case of S. Rajesh v. The State of Tamil Nadu (supra), no longer holds the field, even though it upholds the conditions of the execution of the bonds, but on the issue of retention of certificates the Court had held that it was arbitrary and irrational and that the Government would be entitled only to take consequential action, but they cannot withhold certificates. We find the said pronouncement of the learned Single Judge in that decision to be no longer good law and, in our opinion as well keeping in view the terms and conditions of the bonds, coupled with the declaration in the prospectus, we are unable to accept the observations made by the learned Single Judge in the decision of S. Rajesh v. The State of Tamil Nadu (supra) to hold that such conditions of retention of certificates are arbitrary and irrational.

91. We may point out that the Apex Court in the case of Anand S. Biji v. State of Kerala (supra) had clarified the issue with regard to a precondition being imposed in respect of eligibility. In our opinion, the execution of the bonds and the retention of certificates are not exactly an eligibility condition, but are rather a condition imposed keeping in view the highly subsidized rate of education being imparted, coupled with the duty of such candidates to serve the interest of the State itself.”

5.3. In view of this, I am not able to agree to the request to direct the State Government to release the certificates.

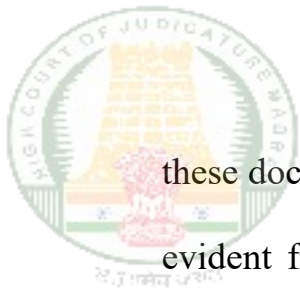
5.4. The next question is whether postgraduate speciality doctors can be posted at Primary Health Centres during their mandatory service. It must be noted that in the **AMSAR case** (cited *above*), the Hon’ble Supreme Court of India has held that the policy decision of the State Governments to impose bond service is based on the Directive Principles in Article 47 of the Constitution of India and their duty to protect the right to life under Article 21, which includes the right to healthcare for the poor and marginalised. It is further held that the



rights of these professionals must be balanced with the dignity of the community, with the scales tipping in favour of community dignity. Paragraph No. 30 explicitly states that the policy's objective is to ensure that specialist healthcare reaches the poor and vulnerable.

5.5. It may be noted that the Hon'ble Supreme Court of India in **AMSAR case** (cited *supra*), while analysing the arguments and decisions of various High Courts, specifically observed that directions from the Bombay High Court that include the allocation of posts that are appropriate to the qualifications of the doctors. However, it cannot be concluded that the issue of whether doctors can be posted in Primary Health Centres was specifically decided in that case. Nonetheless, as held by the Division Bench of this Court in **P.S. Sairam's case** (cited *supra*), the judgments relating to bond service prior to the **AMSAR case** (cited *supra*) are no longer relevant, in light of the principles that have been established.

5.6. With reference to the jurisdiction of the State Governments and the fundamental rights projected on behalf of the doctors under Article 14, 19(1)(g), 21, and 23 of the Constitution of India, which have been expressly considered and turned down, the arguments regarding contract of personal service and restraint of profession were also addressed by the Hon'ble Supreme Court of India. In that context, the policy of the State of Tamil Nadu to accommodate



these doctors in the speciality posts as far as possible needs to be examined. It is evident from the State of Tamil Nadu's policy that candidates bound by this bond service, if vacancies are available in the speciality post after those earmarked for in-service candidates, etc., are accommodated. The question then is what to do with the remaining candidates. If they are simply discharged from the bond or their bond period is shortened, it would only render the policy of insisting on bond service discriminatory. For candidates who cannot be accommodated in specialist posts, deploying them to Primary Health Centres is an appropriate option, especially since the policy aims to fulfil the State Governments' duty under Article 21 of the Constitution of India and to protect the community at large. It must also be noted that candidates should not be kept waiting indefinitely; the Division Bench in *P.S. Sairam's* case (cited *supra*) held that unless the bond posting should be issued within two years, and candidates should not be kept waiting forever for vacancies to arise. Therefore, the State Government's policy, is within the bounds of the law and the best available option, as such is valid. Simply because specialists may be better utilised in specialist posts does not make the entire exercise illegal.

5.7. The submission that in view of G.O.Ms. No.255, Health and Family Welfare Department, dated 20.08.2009, the bond service candidates should not be posted in the Primary Health Centres, cannot be accepted since it is not applicable in respect of bond service and does not take into consideration that



the bond service has to be utilised in the states' duty to protect the right to life of the people and the candidates' right to be utilised during the bond period immediately.

5.8. I also do not agree with the petitioners' claim that their services are wasted. The effort invested in any Primary Health Centre can never be considered waste. Moreover, if these Post Graduate doctors are assigned to Primary Health Centres, it is certainly for the benefit of the needy poor who visit and rely on these Centres. It has already been held by the Hon'ble Supreme Court of India that although this service may hinder the career of speciality doctors, it cannot be deemed illegal. Therefore, except to state that, as far as possible, these candidates will be accommodated in the available speciality posts, I am not in a position to grant the petitioners' request to be placed only in the specialist posts or to be released from bond service.

5.9. Finally, an argument is made regarding the recruitment notification issued. It is observed that the government is announcing several vacancies, especially in the field of Obstetrics and Gynaecology, and proceeding with the recruitment process. It is contended that such vacancies can be reserved for candidates under bond service. The Government's position is that doing so could permanently jeopardise the recruitment of other doctors. Therefore, a comprehensive policy decision must be made by the Government. However,



when recruitment is underway and the Government is aware in advance of the number of Post Graduate doctors available for compulsory bond service, it can consider adopting a broader policy approach. It is also argued that if these vacancies are reserved for bond service candidates, many candidates opt not to join the bond service and instead exit by paying the required amount, making it difficult to allocate these vacancies solely to bond service. Nonetheless, since a reasonable number of doctors fulfil their bond obligations rather than paying to exit, the Government can consider setting aside a percentage of these vacancies with the understanding that bonded doctors will be available to fill these posts. The State should keep in mind the fundamental principle established by the Hon'ble Supreme Court of India in the **AMSAR case** (cited *supra*), which balances community dignity with individual rights.

The Result:

6. In view of this, these Writ Petitions are disposed of on the following terms:

(i) The petitioners' prayer for the Government to be directed solely to accommodate them in speciality posts cannot be granted, nor can their alternative request to be released from bond service be accepted;

(ii) The Court cannot replace its judgment regarding the duration of bond service, especially given the context that requires the petitioners to serve two years of bond;



(iii) A submission is made on behalf of the State that the bond service will be enforced without discrimination, and this is recorded.

(iv) The State shall publish the details on the website regarding the number of Post Graduate or other doctors on duty, of bond service, their place of posting, etc., in a transparent manner;

(v) With reference to the vacancies meant for recruitment from the open market, whether a portion of these can be held back, considering that the speciality doctors rendering bond service will be available for a period of two years, can be evaluated by the State Government. The government can assess past data regarding the number of doctors who have actually reported and served the bond period, and make efforts to accommodate in speciality posts as far as possible by taking a policy decision in that regard.

(vi) The alternative prayer to release their certificates cannot be acceded to in view of the dictum laid down by the Division Bench in **P.S.Sairam** 's case (cited *supra*).

(vii) No costs. Connected miscellaneous petitions are closed.

11.03.2026

Neutral Citation : Yes
Jer

To

1. The Principal Secretary,
Health and Family Department,
Secretariat, Chennai – 600 009.



2. The Director,
Directorate of Medical Education and Research,
Kilpauk, Chennai – 600 010.
3. The Director,
Directorate of Medical and Rural Health Services,
359, Anna Salai, Chennai – 600 006.
4. The Director,
Directorate of Public Health and Preventive Medicine,
359, Anna Salai, Chennai – 600 006.
5. The Dean
Coimbatore Medical College,
Avinashi Road, Coimbatore – 641 018.
6. The Dean,
Madras Medical College,
No.1, EVR Periya Salai, Park Town,
Chennai – 600 003.
7. The Dean,
Government Vellore Medical College,
Arani Road, Adukkamparai,
Vellore – 600 011.
8. The Dean,
Government Mohan Kumaramangalam Medical College,
Fort Main Road, Salem – 636 002.
9. The Dean,
Government Cuddalore Medical College,
Annamalai Nagar, Chidambaram – 608 002.
10. The Dean,
Government Thoothukudi Medical College,
Kamaraj Nagar, 3rd Mile,
Thoothukudi – 628 008.
11. The Dean,
K.A.P.V.Government Medical College,
Periyamilaguparai, Trichy – 620 001.



12. The Secretary,
National Medical Commission,
Pocket 14, Sector – 8, Dwaraka Phase I,
New Delhi – 110 077.
13. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.
14. The Dean,
Madurai Medical College,
Panagal Road, Alwarpuram,
Madurai – 625 050.
15. The Dean,
Thanjavur Medical College,
Represented by its Dean,
Medical College Road, Thanjavur – 613 004.
16. The Dean,
Stanley Medical College,
No.1, Old Jail Road, Chennai – 600 001.
17. The Dean,
Government Kilpauk Medical College,
Poonamalee High Road, Kilpauk,
Chennai – 600 010.
18. The Secretary,
National Medical Commission,
Pocket 14, Sector – 8, Dwarka Phase I,
New Delhi – 110 077.
19. The Dean,
Government Medical College and Hospital, Cuddalore,
Annamalai Nagar,
Chidambaram – 608 002.
20. The Dean,
Tirunelveli Medical College,
3, High Ground Road, Palayamkottai,
Tirunelveli – 627 011.



21. The Dean,
Government Theni Medical College,
Shanmugasundharapuram Village,
Theni-Madurai Main Road, Andipatti,
Theni – 625 531.

22. The Dean,
Government Medical College Omandurar,
Omandurar Government Estate, No.167, Walajah Road,
Chennai – 600 002.

23. The Dean,
Government Thiruvavarur Medical College,
Master Plan Complex, Vilamal, Thandalai,
Thiruvavarur – 610 004.



WEB COPY

W.P.Nos.5520, 2025, 2831 and 2924 of 2



D.BHARATHA CHAKRAVARTHY, J.

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W.P.Nos.5520, 2025, 2831 and 2924 of 2026
and W.M.P.Nos.2142, 3152, 6008 and 6009 of 2026

11.03.2026