



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08-04-2026**

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**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 13238 of 2026**

Vivek G Nath

Petitioner(s)

Vs

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

2.The Director of Medical and Rural  
Health Services  
Anna Salai, Chennai.

3.The Directorate of Public Health and  
Preventive Medicine  
Anna Salai, Teynampet, Chennai-086.

4.Directorate of Medical Education  
Kilapuk, Chennai- 600 010.

5.The Dean  
Government Thanjavur Medical  
College and Hospital, Medical College  
Road, Thanjavur- 613 004.

Respondent(s)

**PRAYER:** Petition filed under Article 226 of Constitution of India, directing the 4th and 5th Respondent authorities to return all original certificates of the petitioner that were submitted by him at the time of his admission to post Graduate Super speciality Degree course during December 2020 in the 5th respondent college.

For Petitioner(s): Mrs.S.Shanmitha

For Respondent: Mr.K.Tippu Sulthan,  
Government Advocate



## **ORDER**

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This petition has been filed for a direction, directing the 4th and 5th Respondent authorities to return all original certificates of the petitioner that were submitted by him at the time of his admission to post Graduate Super speciality Degree course during December 2020 in the 5th respondent college.

3. The writ petitioner had undergone Post Graduate course in the fifth respondent colleges. While securing admission, he had executed bond undertaking to serve the Government of Tamil Nadu for a period of two years and has submitted all the original certificates to the respondents. The petitioners while studying has rendered COVID-19 duty for the Government of Tamil Nadu for more than 1 year, therefore, the petitioner along with others filed a writ petition seeking to treat the compulsory bond period as completed which was allowed vide WP.Nos.13882 of 2024 dated 24.05.2024, however, the said order was set aside by a First Bench of this Court in W.A.No.2796 & 2801 of 2024 vide judgment dated 20.11.2024 and directed the petitioners to adhere to the bond condition. Subsequently, Government vide G.O.Ms.No.49 dated 28.02.2024 issued an order to the effect that the bond period of Non Service Post Graduates (Dental/Super Speciality) who have completed their Post



Graduate Course in the year 2023 onwards will be reduced from 2 years to one year. The petitioner has completed the super speciality course in the year 2024 and is entitled to benefit. It is the grievance of the petitioner no posting order has been issued to the petitioner till date, whereas, posting orders were issued to the junior of the petitioners. The petitioner's bond period expired in February 2025 and the bond period is lapsed as on date and there is no remaining period left to the petitioner for serving the Government of Tamil Nadu. Hence, seeks for direction of returning of original certificate.

4. The learned counsel for the petitioner submitted that since the respondent had failed to provide the posting order to the petitioner within the bond period from the date of passing out, the petitioner's original certificates cannot be withheld as a matter of right by the respondent. Hence, seeks for a direction.

5. Heard both sides and perused the materials placed on record.

6. Admittedly, the petitioner along with others have initially filed WP.Nos.13882 of 2024 seeking to treat the compulsory bond period as completed, since, the petitioner has done the Covid duty during his Post Graduate Super Speciality course. The said writ petitions were allowed vide common order dated 24.05.2024 and the said order was set aside by a First Bench of this Court in W.A.No.2796 & 2801 of 2024 vide judgment dated



20.11.2024 directing the petitioner to adhere to the bond condition which was executed by the petitioner while joining the course. Subsequently, Government vide G.O.Ms.No.49 dated 28.02.2024 issued an order to the effect that the bond period of Non Service Post Graduates (Dental/Super Speciality) who have completed their Post Graduate Course in the year 2023 onwards will be reduced from 2 years to one year.

7. The petitioner has completed the course in the year February 2024, however, no posting order has been issued to the petitioner till now. It is well settled principle of law that the posting order should have been issued within the bond period, as it is coextensive with bond period. Whereas, admittedly, the petitioner has not been issued with any posting order enabling the petitioner to adhere with the bond conditions within the bond period. In such view of the matter, this Court is of the view that the non adherence of bond conditions cannot be attributed against the petitioner as the respondents themselves have not issued any posting order to the petitioner to comply with the bond conditions within the bond period. Admittedly, now, the bond is elapsed and the respondents retaining the original certificates of the petitioner after the bond period is not proper and unreasonable. It has been held in more than one case that Educational Certificates are not marketable commodities and therefore, they cannot be withheld. See *[R.D.Saxena -Vs- Balram Prasad Sharma 2000 (7) SCC 246]* and *[S.Muthukamakshi (Vs) Anna University (2013) 1 CTC 595]*



8. Therefore, this Court deems it appropriate to direct the respondents 4 and 5 to return all the original certificates to the petitioner, within the period of four weeks from the date of receipt of copy of this order. Accordingly, this writ petition stands disposed of. No costs.

**08-04-2026**

dhk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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**M.DHANDAPANI J.**

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