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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Writ Appeal No.1422 of 2026

and

C.M.P.No.13109 of 2026

B.Beryl Ida,
D/o.Benet Duraisamy

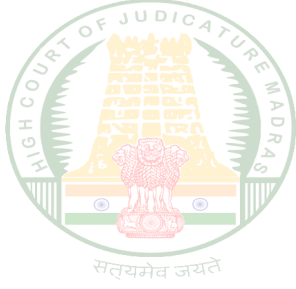
..Appellant

Vs

1. The State of Tamil Nadu
represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.
2. Directorate of Medical Education,
represented by the Director of Medical Education,
Kilpauk, Chennai-10.
3. Directorate of Medical and Rural Health Services,
represented by the Director of Medical Health and
Rural Health Services,
No.359, Anna Salai, Chennai-06.
4. Directorate of Public Health and Preventive Medicine,
represented by the Director of Public Health and
Preventive Medicine,
No.359, Anna Salai, Chennai-06.
5. Government Tirunelveli Medical College,
represented by its Dean,
Tirunelveli - 627 011.

..Respondents

Writ Appeal filed under Clause XV of the Letters Patent against the
order passed in W.P.No.11653 of 2026 dated 30.03.2026.



For Appellants : Ms.K.Dhivyashree

For Respondents : Dr.R.Gouri,
Government Counsel

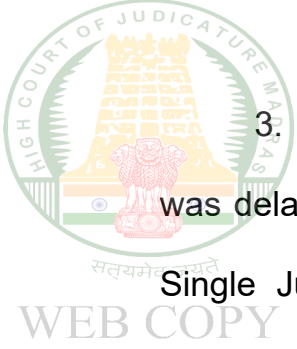
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JUDGMENT

(Delivered by S.M.Subramaniam J.)

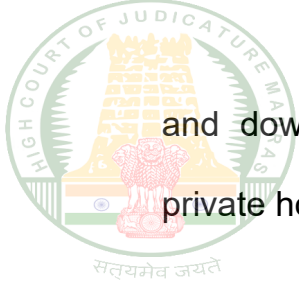
The present writ appeal has been instituted challenging the writ order dated 30.03.2006 passed in W.P.No.11653 of 2026.

2. The writ petitioner is the appellant. The appellant completed her MBBS degree from Government Tirunelveli Medical College, in the year 2019. She had joined the post-graduate course in MS (Obstetrics and Gynaecology) under the non-service category at Government Tirunelveli Medical College. She has completed the course in January 2024. At the time of securing admission to the post of post-graduation course in MS, the appellant had executed a bond for a sum of Rs.40,00,000/- with an undertaking to serve in Government hospitals for a period of two years on completion of her post-graduation course. The original certificates were surrendered by the appellant along with the bond executed. Subsequently, the Government reduced the bond period from two years to one year vide G.O.Ms.No.351, Health and Family Welfare (MCA-1) Department, dated 27.10.2023. However, the appellant neither complied with the bond conditions nor joined in the Government hospital for completing the one year of service, as agreed by the appellant in the bond.



3. Learned counsel for the appellant would mainly contend that there was delay in issuing the posting order on completion of her service. Learned Single Judge in the writ order impugned has recorded the fact that the appellant was pregnant during the relevant point of time and she made a request for postponement of joining date due to the high-risk twin pregnancy. Therefore, the Joint Director of Health Service, Thoothukudi, *vide* proceedings dated 30.01.2025 permitted the appellant to report for duty within three days. The appellant made a request for further postponement since she had given birth to her children on 21.05.2025. Thereafter, she made representations seeking posting orders. Subsequently, a revised posting order was issued based on her request *vide* proceedings dated 21.02.2026 posting the appellant as Assistant Surgeon, Government Hospital, Kovilpatti, Thoothukudi District, for completion of one year as per the bond condition. The appellant has chosen not to join in the place she was posted and filed a writ petition. The writ Court has considered the issues and dismissed the writ petition.

4. This Court is of the considered view that the conditions agreed by the appellant are binding on her. The State has spent huge amount for medical post-graduation courses and superspeciality medical courses. When the State spent huge amount from the public money, a condition was imposed on the students that on completion of their post-graduation, they should serve at least for a period of one year in the Government hospital for the benefit of the poor



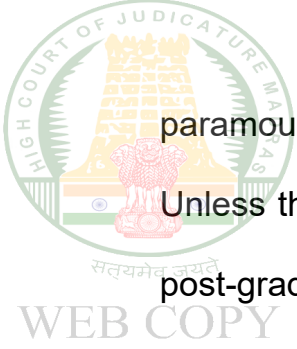
and downtrodden people, who could not afford specialised treatments in private hospitals.

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5. Providing decent medical facility by the State is a constitutional mandate and a fundamental right enshrined under Article 21 of the Constitution of India. The bond conditions imposed by the State was tested by the Honourable Supreme Court of India in the case of ***Association of Medical Superspeciality Aspirants and Residents and others v. Union of India and others [(2019) 8 SCC 607]*** and held as follows:

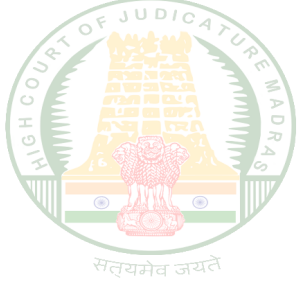
“17. Schedule VII List I Entry 66 to the Constitution refers to coordination and determination of standards in institutions for higher education or research and scientific and technical institutions. Schedule VII List III Entry 25 deals with education, including technical education, medical education and universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I. Legislations can be made by the State Legislature relating to medical education subject to the legislation made by the Parliament. The Medical Council of India Act governs the field of medical education in this country. Admittedly, there is no provision in the Medical Council of India Act touching upon the subject matter of compulsory bonds. Therefore, the States are free to legislate on the subject-matter of medical bonds. Executive authority of the State Government is co-extensive with that of the legislative power of the State Legislature. Even in the absence of any legislation, the State Government has the competence to issue executive orders under Article 162 of the Constitution on matters over which the State legislature has the power to legislate. The notifications issued by the State Governments imposing a condition of execution of compulsory bonds at the time of admission to postgraduate courses and superspeciality courses cannot be said to be vitiated due to lack of authority or competence. The field of bonds requiring compulsory employment is not covered by any Central legislation. Therefore, the submissions made on behalf of the appellants that the States lacked competence to issue the notifications as the field is occupied are rejected.”

6. People from rural villages contribute a larger portion in the nation building process. Providing medical health facilities to rural people is of



paramount important and a duty mandated on the State under the constitution. Unless these conditions are imposed on the candidates, who completed their post-graduation medical course, they may not serve to these poor people in rural areas in Government hospitals. Thus, the Government, having spent huge money for the students undergoing post-graduation medical courses, imposed a condition of serving at least for a period of one year in Government hospitals in rural areas for the benefit of the public at large and therefore, such conditions are upheld by the constitutional Courts. Therefore, the tendency of executing a bond by the candidates while securing admission to post-graduation courses and thereafter, retracting and approaching the Court challenging the bond, at no circumstances, be appreciated, but to be deprecated. Services of a Doctor is far away from any other services. Saving one's life is a contribution not only to the patient, but to his family and his dependents. It is a service to the nation. Any poor person, who is unable to take specialised treatment, will no way be treated differently. A life is a life and it has its value. No person should be denied quality medical treatment based on economic background or otherwise.

7. In the present case, admittedly, the appellant executed a bond and based on her request, the issuance of posting order was postponed and finally, the department issued an order posting the appellant to the post of Assistant Surgeon, Government Hospital, Kovilpatti, Thoothukudi District. Kovilpatti, which is not far away from Tirunelveli and therefore, the reason



S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.
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cited by the appellant is neither candid nor convincing. That apart, the appellant has not established any legal right for considering the relief. The writ Court has rightly approached the issue in consonance with the principles established and the writ appeal is devoid of merits.

Accordingly, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
09-06-2026

Index: Yes

Speaking order

Neutral Citation: Yes

gm

To

1. The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai-9.
2. The Director of Medical Education,
Directorate of Medical Education, Kilpauk, Chennai-10.
3. The Director of Medical Health and Rural Health Services,
Directorate of Medical and Rural Health Services,
No.359, Anna Salai, Chennai-06.
4. The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
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