



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 49755 of 2025
W.M.P.No.55638 of 2025**

Dr.Hemnath R

Petitioner(s)

Vs

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

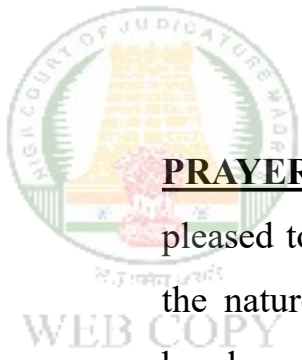
2.Directorate of Medical Education
Represented by its Director,
Kilpauk, Chennai – 600 010.

3.Directorate of Medical and Rural
Health Services
Rep. by its Director,
359, Anna Salai, Chennai 600 006.

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

5.Madras Medical College
Represented by its Dean,
E.V.R. Salai, Chennai 600 003.

Respondent(s)



PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus or any other Writ, Order, or Direction in the nature of a Mandamus directing the respondents to treat the petitioner's bond period as complete and further direct the 5th respondent to return the original bank guarantee bearing No.0505622BG0000179 dated 09.02.2022 to the petitioner.

For Petitioner(s): M/s.Suhrith Parthasarathy

For Respondent(s): Mr.E.Sundaram
Government Advocate
For R1 to R5

ORDER

The petitioner is a non-service Post Graduate Doctor who joined Diploma in Anaesthesiology at Madras Medical College / 5th respondent on 31.05.2018. At the time of admission a mandatory condition was imposed and he executed a bond for a sum of Rs.20,00,000/- undertaking to serve the Government for a period of two years on being required and all the original academic certificates of the petitioner were also directed to be deposited. The petitioner also completed his course on 30.05.2020, though the examination was postponed to Covid – 19 pandemic.

2.In the meanwhile, he commenced his temporary Covid - 19 bond service and put in a service of 354 days after completion of the Course. While so on 11.06.2021, he received a posting order directing him to report to the Government Hospital, Ulundurpet, Villupuram, with a direction to serve for two



years. However, within a week of the said posting order, the Government issued G.O.(Ms)No.290 dated 18.06.2021 clarifying that Non-service Post-Graduate

Doctors were to continue in the temporary Covid - 19 duty until August 2021.

Thereafter, when the petitioner applied for DNB programme in November 2021 and for the said purpose when he sought for return of his documents, the College refused to do the same and required a Bank guarantee of a sum of Rs.9,64,480/- be furnished. Under the said circumstances, left with no other alternative the petitioner furnished the same and his certificates were returned.

Thereafter, the petitioner joined the DNB Anaesthesiology on 12.02.2022. It is under the said circumstances, the show cause notice was issued on 24.02.2022 demanding that he should report for bond service or to remit the full bond amount. The petitioner thereafter completed the DNB course on 11.02.2024 and on 10.07.2024 submitted a representation seeking posting orders to complete the balance bond period. However, even after the representation no posting order was issued to him and the one year period is also now lapsed. In view thereof, the petitioner has come up with the present prayer to treat his bond period as complete and to return the original bank guarantee duly discharged.

3.The learned counsel appearing on behalf of the respondents would oppose the prayer made by the petitioner. She would point out that when the petitioner had served only one year and since he belongs to the 2018 batch he has to serve two years. When the petitioner joined DNB and completed in the



month of February 2024, immediately he ought to have reported before the Directorate of Public Health and Preventive Medicine. On the contrary, the petitioner kept quiet and only in the month of July 2024, he makes a representation to a wrong authority namely the Director of Medical Education. The Director of Medical Education is not the authority to issue posting orders. Therefore, the petitioner who knew that he has to serve the balance one year period in all fairness ought to have reported before the 4th respondent. Even thereafter, he clandestinely kept quiet until the balance period of one year elapses and filed the Writ Petition only in December 2025. Therefore, in this case, this Court should hold that the respondents are well within the period and should now permit the fourth respondent to issue the posting orders for the petitioner for the balance period of one year.

4. In reply thereof, the learned counsel for the petitioner would submit that in the year 2022, when the show cause notice was issued, the same was issued with a copy marked to the Director of Medical Education. Therefore, after completion of the course the petitioner naturally reported before the Directorate of Medical Education. In any event, when the petitioner has sent a representation to the Director of Medical Education nothing prevented the said authority to direct the petitioner to guide the petitioner to the appropriate authority.



5. I have considered the rival submissions made on either side and perused the material records of the case.

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6. In this case, it is true that the petitioner in all fairness ought to have reported before the Directorate of Public Health and Preventive Medicine. However, at the same time it should be seen that a copy of the show cause notice was marked to the Director of Medical Education and in view of the extraordinary situation prevailing during Covid - 19 pandemic, even some of the Covid - 19 duty orders were also issued by the Directorate of Medical Education. The State Authorities could have also co-ordinated with each other and could have informed the petitioner and issued posting orders. It cannot be said that the petitioner alone is on fault. The candidates who are undergoing the education by making a solemn undertaking should be eager and willing to discharge their promise and the authority should also be prompt enough to utilise the services. Since, now we are in the year 2026, it will be too late in the day to make the petitioner to undergo the bond period, especially considering the fact that the period is now over.

7. Further, it can be seen that the show cause notice specifically directs the petitioner to report before the Director of Medical Education. Therefore, it cannot be said that the fault is on the petitioner alone. In view thereof, the Writ Petition stands allowed on following terms:-



i. The respondents are directed to return the Bank guarantee duly discharged within a period of four weeks from the date of receipt of web copy of the order.

ii. No costs. Consequently, connected miscellaneous petition is closed.

8.It can be seen that the petitioner is reporting before the Director of Medical Education and because there is no coordination between the authorities and because there is no system that is put in place to over see, all these difficulties are happening. The respondent shall consider developing an appropriate software which can be as simple as an excel spreadsheet. It will keep a watch and also duly instruct all the candidates to report before a particular authority forthwith on completion of the course so that they can be immediately put into duty. A copy of this order is also marked to the Secretary, Health and Family Welfare Department and also the Directorate of Public Health and Preventive Medicine.

08-01-2026

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Neutral Citation:Yes/No



To

1.The State of Tamilnadu
Rep. By its Principal Secretary Health
And Family Welfare Department
Secretariat Chennai 09

2.Directorate of Medical Education
Rep. By its Director, Kilpauk Chennai
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3.Directorate of Medical And Rural
Health Services
Rep. by its Director, 359 Anna Salai
Chennai 06

4.Directorate of Public Health And
Preventive Medicine
Rep. by its Director, 359 Anna Salai
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5.Madras Medical College
Rep. by its Dean, Evr Salai Chennai 03



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