



W.A(MD)No.2642 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**W.A(MD)No.2642 of 2025
and
C.M.P(MD)Nos.14973 & 14974 of 2025**

Dr.Siva Nanthini

... Appellant/Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600009.
- 2.Directorate of Municipal Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai - 600010.
- 3.Directorate of Medical and Rural Health Services,
Represented by the Director of Medical Health
and Rural Health Services,
359, Anna Salai, Chennai - 600006.



W.A(MD)No.2642 of 2025

WEB COPY

4. Directorate of Public Health and Preventive Medicine,
Represented by the Director of Medical Health
and Preventive Medicine,
359, Anna Salai, Chennai - 600006.

5. Kanyakumari Government Medical College,
Represented by its Dean,
Asaripallam, Nagercoil,
Kanyakumari - 629201.

... Respondents

PRAYER in WP(MD)No.2642 of 2025: Writ Appeal filed under filed under
Clause 15 of Letters Patent Act, to set aside the order made in W.P.(MD)No.
21358 of 2025 dated 05.08.2025 on the file of this Court.

For Appellant : Mr.Suhrith Parthasarathy

For Respondents : Mr.S.Venkatesh
Counsel for State

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge in
W.P(MD)No.21358 of 2025 dated 05.08.2025, whereby the Writ Petition,
which was filed challenging the impugned show cause notice dated
20.09.2024 bearing reference No.1798/ME2/2023, came to be dismissed, the
present Writ Appeal has been preferred.



W.A(MD)No.2642 of 2025

WEB COPY

2.The appellant/writ petitioner had joined M.S.Obstetrics and Gynaecology at Kanyakumari Government Medical College between 2020 and 2023. Being a non-service candidate, the appellant executed a bond for a sum of Rs.40,00,000/- undertaking to serve the Government for a period of two years upon completion of the course. Subsequently, the said compulsory service period was reduced to one year vide G.O.(Ms) No.351, Health and Family Welfare (MCA-1) Department, dated 27.10.2023. The appellant completed the course on 04.11.2023.

3.It is the case of the appellant/writ petitioner that despite having completed the course, the respondents have neither provided her with any posting nor returned her original certificates, on the ground that she has not completed the compulsory service. Per contra, it is the stand of the Government that the appellant was informed of the counselling through a Whatsapp message on 14.09.2024, wherein she was informed of the counselling scheduled on 18.09.2024. However, the appellant informed that



W.A(MD)No.2642 of 2025

WEB COPY

she was then in Gujarat and was unable to attend the counselling. It is further stated that since the appellant did not appear for the counselling, she is bound by the conditions of the bond executed by her.

4.It is further submitted that posting orders are ordinarily issued every year in the month of September through counselling, in accordance with the bond agreement. Since the appellant did not appear for the counselling, a show cause notice came to be issued.

5.It is pertinent to note that such a stand has been taken for the first time before this Court, as no counter affidavit was filed before the learned Single Judge.

6.Be that as it may, the learned Single Judge dismissed the writ petition on the ground that since the appellant is bound by the bond conditions, she cannot maintain a challenge to the show cause notice.



W.A(MD)No.2642 of 2025

WEB COPY

7.The learned counsel appearing for the appellant submitted that the period of applicability of the bond conditions is co-terminus with one year from the date of successful completion of the course. He further placed reliance on the decision of the Division Bench of this Court in *State of Tamil Nadu, through its Secretary, Department of Health and Family Welfare and another v. P.S. Sairam and others*, reported in *2020 SCC OnLine Mad 2742*, and contended that after completion of the course, the respondents failed to provide any posting to the appellant. Therefore, merely on the basis of a WhatsApp message calling for counselling, the respondents cannot now contend that opportunity was provided. It is further contended that as long as the period of applicability of the bond is co-terminus with the course period, the bond conditions cannot be enforced after the lapse of several years. Hence, it is submitted that the learned Single Judge was not right in dismissing the writ petition.

8.Per contra, the learned counsel appearing for the respondent/State submitted that counselling is conducted for appointment,



W.A(MD)No.2642 of 2025

WEB COPY

and that a WhatsApp message was sent in September 2024 for the said purpose. Since the appellant did not appear for counselling on the ground that she was in Gujarat, posting could not be issued, and consequently, a show cause notice was issued. Reliance is also placed on the judgment of the Division Bench of this Court in ***W.A.(MD) Nos.2583, 1922 and 1924 of 2024 dated 20.11.2024 in K. Ambika v. The Principal Secretary and others***, wherein it has been held that bond conditions are required to be scrupulously followed.

9.We have heard the learned counsel appearing on either side and perused the materials available on record.

10.At the outset, we are of the view that the Division Bench judgment relied upon by the learned counsel for the respondents cannot be applied to the facts and circumstances of the present case. In the said judgment, the issue relating to the bond being co-terminus with a period of two years from the date of the candidate successfully completing the course



W.A(MD)No.2642 of 2025

WEB COPY

was not under consideration. On the other hand, the Division Bench of this Court in ***State of Tamil Nadu, through its Secretary, Department of Health and Family Welfare and another v. P.S. Sairam and others***, reported in ***2020 SCC OnLine Mad 2742***, has held as follows:

“102. Our conclusions, therefore, are : vi. the period of applicability of the conditions under the bond will be co-terminus with the period of two years from the date a candidate successfully passes out the course, as explained above, and would not continue beyond the same. vii. the candidates who have not been offered appointment within the period of two years would be entitled to release of their certificates accordingly.”

11. We have also perused the conditions of the bond executed by the appellant. The same clearly indicate that the appellant had agreed to serve the Government of Tamil Nadu for a period of two years upon successful completion of the course, and in the event of default, the appellant would be liable to pay a sum of Rs.40,00,000/-. The said period of

7/12



W.A(MD)No.2642 of 2025

WEB COPY

two years was subsequently reduced to one year vide G.O.(Ms) No.351, Health and Family Welfare (MCA-1) Department, dated 27.10.2023, which is not in dispute.

12.It is relevant to note that the conditions of the bond clearly stipulate that upon completion of the course, the candidate is required to serve in the Government sector. Though such conditions are binding on the candidate, the Government ought to have offered posting immediately upon completion of the course. In the event posting orders had been issued immediately upon completion of the course and the candidate had refused to accept such posting, it could have been held that the bond conditions would prevail and the candidate would be liable to pay the bond amount as agreed. However, the fact remains that for nearly ten months thereafter, no posting order whatsoever was issued to the appellant.

13.It is pertinent to note that as per the bond, the moment the student completes the course, it is the duty of the Government to engage



W.A(MD)No.2642 of 2025

WEB COPY

such doctors in the Government sector. The very object of obtaining such bond is to utilise the services of doctors in the health sector for the benefit of the larger public. The Government, having incurred expenditure for the medical education of such candidates, is expected to provide employment within the bond period immediately after completion of the course.

14. When the bond itself makes it clear that upon completion of the course the candidate is required to serve in the Government sector, the contention that posting will be provided only through counselling is untenable. The agreed condition between the parties clearly mandates service in the Government sector, and for the enforcement of such condition, posting ought to have been provided immediately. Therefore, the Government cannot remain a mute spectator for months together and thereafter contend that it is entitled to enforce the bond conditions and retain the original certificates. Had the Government issued posting orders to the appellant, it would have been entitled to enforce the bond conditions in the event of refusal. However, no such posting order was issued. Mere sending



W.A(MD)No.2642 of 2025

WEB COPY

of a WhatsApp message after ten months from the date of completion of the course cannot be construed as sufficient compliance for offering posting. The posting has a definite significance in such cases, and only upon refusal of such posting can the Government seek to enforce the bond. Without offering any posting as a matter of right, the respondents cannot retain the certificates.

15.Hence, the impugned notice is quashed and the order of the learned Single Judge is set aside. The Writ Appeal is allowed. The fifth respondent is directed to return the original certificates to the appellant within a period of one month from the date of receipt of a copy of this judgment. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[N.S.K.,J.] [P.B.B.,J.]
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NCC : Yes / No
Index : Yes / No
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10/12



W.A(MD)No.2642 of 2025

WEB COPY

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WEB COPY



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