

W.P.No.10743 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2025

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.10743 of 2025

Dr.Prince,HP

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai- 600 010.

3. The Registrar,
Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai-600 032.

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4. The Dean,

Madras Medical College,

Poonamallee High Road,

Park Town, Chennai- 600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 08.03.2025 and direct the respondents to return all the Original Certificates of the petitioner, which were produced by the petitioner to the respondents at the time of his joining in Post Graduate Higher Speciality Qualification of Master of Chirurgiae in Plastic and Reconstructive Surgery Course in August 2017 at Madras Medical College, Chennai, the 4th respondent.

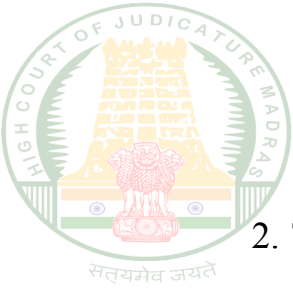
For Petitioner : Mr.M.Ramamoorthi

For Respondents : Mrs.M.Sneha,
Special Counsel
for R1, R2 and R4

ORDER

With the consent of both the learned counsels, the writ petition is taken up for final disposal at the admission stage itself.

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2. The petitioner completed his Bachelor of Medicine in November 2010 in the Armed Forces Medical College, affiliated to Maharashtra University of Health Sciences Maharashtra. Thereafter, the petitioner obtained DNB for General surgery through National Board of Examination, New Delhi. The petitioner also obtained MS in General Surgery in June, 2016 from the Kerala University of Health Sciences at Thrissur, Kerala, and thereafter, on August, 2017, the petitioner joined Super Speciality Course of Doctor of Chirurgiae (M.Ch) in Plastic and Reconstructive Surgery in Madras Medical College, Chennai. The petitioner completed the said Course in December, 2020 and obtained the professional degree from Dr.M.G.R. Medical University, on 14.12.2020. The petitioner states that he belongs to Non-Service Post Graduate (Higher Speciality) of the year 2020 from the State of Tamil Nadu. The petitioner further states that some of his colleagues were issued call letters for counselling on 15.12.2021, for 79 Higher Speciality Non-Service Post Graduates of 2020-2021 batches, but the petitioner was not issued with the same. The petitioner states that, he was given to understand that there was no post vacant in the Post Graduate Higher Speciality Qualification of Master of Chirurgiae (M.Ch) and so he was not offered posting, though he was ready to comply with the Bond condition. The petitioner states that though he

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completed the Super Speciality Course, as early as 2020, till date, no posting order

was issued to him. The petitioner relying on the Division Bench judgment of the this Court in W.A.No.799 of 2021, states that, as the bond period lapsed, the petitioner is entitled to the return of his original certificates. Though the petitioner submitted a representation on 08.03.2025, no action was taken and therefore the petitioner was constrained to file the above writ petition for the aforesaid relief.

3. The facts are undisputed, the petitioner completed his Super Speciality Course of Master of Chirurgiae (M.Ch) from Dr. M.G.R Medical University in 2020. The petitioner was not issued with any posting order as per the bond conditions within the two year period. The Hon'ble Division Bench in W.A.No.799 of 2021 has categorically held that the bond period is coterminous with the candidates concerned and therefore if within the bond period of 2 years no offer of employment is issued for whatever reason by the Government, then the candidates cannot be clutched for any further period and hence entitled for return of their certificates. It is further to be noted here that, assuming that the petitioner did not participate in the counselling conducted on 03.12.2021, nothing prevented the respondents from issuing the compulsory posting orders. As the petitioner has not been issued with the posting order even after the lapse of four years and as the

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bond period has long lapsed, in my view, the respondents are bound to return the petitioners original certificates.

4. In view of the above discussions, a direction is issued to the 4th respondent to return the petitioners original certificates, which were produced by the petitioner at the time of his joining in Post Graduate Higher Speciality Qualification of Master of Chirurgiae, in Plastic and Reconstructive Surgery, within a period of four(4) weeks from the date of receipt of a copy of this order.

Writ petition is accordingly allowed. However, there shall be no order as to costs.

26.03.2025

Index:Yes/No
Neutral Citation:Yes/No
Speaking order:Yes/No
dsn

To
1.The Principal Secretary to the Government,

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Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

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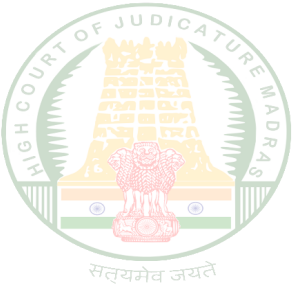
2.The Director of Medical Education,
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3. The Registrar,
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