



W.P.No.19341 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 26.05.2025

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.19341 of 2025

Dr.J.V.Surya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Department of Health and family Welfare,
Secretariat, Chennai – 600 009.

2.The Director,
The Directorate of Medical Education and Research,
Kilpauk, Chennai-600 010.

3.The Dean,
Government Kilpauk Medical College and Hospital,
Kilpauk, Chennai-600 010.

... Respondents

Prayer : Write petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the third respondent to return the original Certificate of the petitioner collected by the third respondent viz., (i) MBBS Degree Certificate, (ii). Internship Completion Certificate, (iii) MBBS Mark Sheet, and (iv) Plus two mark sheet at the time of admission to P.G.Course in M.S. (General Surgery) forthwith.



WEB COPY



W.P.No.19341 of 2025

For Petitioner : Mr.S.Parthasarathi
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

The petitioner has filed this Writ petition to return the original Certificate of the petitioner collected by the third respondent viz., (i) MBBS Degree Certificate, (ii). Internship Completion Certificate, (iii) MBBS Mark Sheet, and (iv) Plus two mark sheet at the time of admission to P.G.Course in M.S. (General Surgery) forthwith.

2. The matter relates to release of the original school, undergraduate and postgraduate certificates to Doctors who have undergone their post-graduation in the State of Tamil Nadu. It is not in dispute that the writ petitioner have completed his post-graduation in his respective specialties in the State of Tamil Nadu. At the time of joining the postgraduate course, the petitioner has signed a bond with the State of Tamil Nadu stating that on completion of his course, he will serve the State for a period of two years. Being non-service candidates, the State extracts this bond to ensure that the petitioner complete the period of two years before returning the certificates



W.P.No.19341 of 2025

to them.

WEB COPY

3.The cause of action for this writ petitions is that the writ petitioner, who has successfully completed his post-graduate course want to pursue his Super Specialty Course, as in, M.Ch. (Cardio Vascular and Thoracic Surgery). Being mandatory, he has undertaken the National Entrance Eligibility Test (NEET) for the said Super Specialty Courses and have successfully cleared the same. He has also received the allotment orders. He pleads that he is unable to join his respective Super Specialty Courses, since the respondents are insisting that they must complete their bond service and thereafter pursue their Super Specialty education. This, the petitioner feels, will adversely affect his educational prospects. Therefore, he has moved this Court by way of a writ petition seeking direction to return their original certificates with an undertaking that he will report to the Directorate of Medical Education, after he has successfully completed his Super Specialty Course. By an order dated 16.05.2025, applying G.O.Ms.No.1445, Health and Family Welfare Department (MCA-1) Department, I applied the conditions laid down by the Government in that Government Order and directed the release of the certificates.



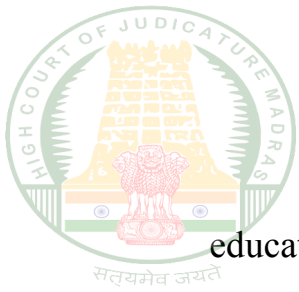
W.P.No.19341 of 2025

WEB COPY

4. The Court is presented with a situation where the Doctors who have undergone his postgraduate course want to pursue his Super Specialty education, which is hard to comply. What stands between them and the education is the stand of the respondents that unless and until they complete his bond period, the respondents will not release the documents. The larger issue whether the educational certificates of the Doctors can be retained, as a lien, need not be gone into in this case. Yet, this Court has to balance the interest of the students and the interest of the State. The State has subsidized the education of the students and has given them quality education and exposure, which the writ petitioner would not have obtained, if not, for their undergoing the courses in the respective Government medical colleges.

5. After hearing extensive arguments from both sides, the following orders have been passed:

1. The petitioner shall produce the allotment letters before the Deans of the Medical Colleges, in which they underwent his post graduate medical



W.P.No.19341 of 2025

education.

WEB COPY

2. On production of his allotment letters, the respective Deans shall issue a certified copy of his certificates.

3. On the basis of the certified copies that have been issued, and together with his allotment letters, the students will be entitled to join the educational institutions, which has been allotted to him in the NEET Super Specialty counseling.

4. On being intimated by the writ petitioner, as to which Universities/Deemed to be Universities/DNB, under NBEMS in which the students have been admitted to, the Directorate of Medical Education will forward the certificates of the students to the respective Universities/Deemed to be Universities/NBEMS for registration.

5. Once the process of registration is completed, Universities/Deemed to be Universities/NBEMS to which the certificates have been sent, will return the same to the Directorate of Medical Education, Chennai.

6. The Directorate of Medical Education shall ensure that the certificates are retained safely.

7. On completion of his super speciality course, the student will



W.P.No.19341 of 2025

report to the Directorate of Medical Education for obtaining posting orders in order to complete his bond. It shall be in undertaking affidavit and the same shall be acknowledged.

8. The Directorate of Medical Education shall issue posting orders to the students within a period of eight months from the date of such reporting.

9. The Directorate of Medical Education shall issue posting orders to the students commensurate with his educational qualification.

10. The posting orders shall be on contract basis. The contract shall be valid for the period on the bond, or for the remaining period on the bond, in case the candidates have already served certain period under the bond.

11. On completion of the bond service, the Directorate of Medical Education will release the original certificates to the students.

12. In case, the Directorate of Medical Education does not issue posting orders within a period of eight months from the date of reporting, the bond will be deemed to have been discharged and the Directorate of Medical Education shall issue the educational qualification certificates forthwith.



W.P.No.19341 of 2025

6. The Writ Proceedings is disposed of accordingly. Consequently,
the connected Miscellaneous Petitions, if any, stands closed.

26.05.2025

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index : Yes/No

rri

Note: Issue order copy today. (i.e.26.05.2025)

To

- 1.The State of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Department of Health and family Welfare,
Secretariat, Chennai – 600 009.
- 2.The Director,
The Directorate of Medical Education and Research,
Kilpauk, Chennai-600 010.
- 3.The Dean,
Government Kilpauk Medical College and Hospital,
Kilpauk, Chennai-600 010.



WEB COPY



W.P.No.19341 of 2025

T.V.THAMILSELVI,J.

ri

W.P.No.19341 of 2025

26.05.2025