

**(2014) 06 MAD CK 0157**

**In the Madras High Court**

**Case No : Writ Petition No. 15217 of 2014**

K. Arun

APPELLANT

Vs

The Director of Medical Education

RESPONDENT

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**Date of Decision : 17-06-2014**

**Acts Referred:**

**Citation : (2014) 06 MAD CK 0157**

**Hon'ble Judges : B. Rajendran, J**

**Bench : Single Bench**

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## **Judgement**

B. Rajendran, J.—By consent of counsel for both sides, the Writ Petition is taken up for final disposal at the time of admission itself.

2. Heard Mr. V. Karnan, learned counsel for the petitioner and Mr. V. Sakthivel, learned Government Advocate, who has taken notice for respondents.

3. The petitioner has come up with this Writ Petition for a Mandamus, directing the respondents to return all the original certificates to him as per his representation dated 02.06.2014.

4. According to the petitioner, he got selected and joined M.D. (General Medicine) course under All India Quota in the academic year 2011-2012. His grievance is that after completing the said course, the respondents have not returned the original certificates, which was submitted by him at the time of getting admission. The petitioner, alleging that the retention of certificates by the respondents is arbitrary and against law, has come before this Court with this Writ Petition seeking the relief stated supra.

5. The learned counsel for the petitioner would submit that the petitioner is not governed by the terms and conditions prescribed by the respondents in their prospectus, because, he has applied through All India Entrance Examination for selection to All India Quota seats. He would further submit that the execution of bond is only for the employment in Tamil Nadu Government Institution. He would

further add that as the petitioner has been selected under All India Quota seats, the execution of bond will have no effect on him as he has not applied for admission through the prospectus of the respondents and hence, the retention of the Certificates by the respondent is against law.

6. The learned counsel for the petitioner would bring to the notice of this Court that already similar set of Writ Petitions have been filed before this Court and orders have been passed in W.P. No. 12923 of 2008 etc. & batch, dated 12.12.2008. In one such batch of Writ Petitions, Writ Appeal was also filed. In the Writ Appeal also, the order passed in the Writ Petition was confirmed, holding that for the candidates, who joined in Government Colleges in Tamil Nadu selected under All India Quota, the bond will not apply. Some candidates, who were selected under State Quota, also questioned the execution of bond to serve in Government Institution, by way of filing Writ Petition, but, the same was dismissed by this Court. Against which, Writ Appeal was filed and the same was upheld by this Court, however, reserving right to the Government insofar as the State Quota is concerned to take appropriate action for violation of any condition. The learned counsel for the petitioner would submit that inasmuch as the petitioner has been selected under All India Quota seats, the order passed by this Court in W.P. No. 12923 of 2008 etc. & batch, dated 12.12.2008, which was followed by this Court in W.P. No. 23366 of 2012, by order dated 29.10.2012, will apply to the case of the petitioner. The learned counsel would submit that following the said decisions, the respondents may be directed to return all the original certificates of the petitioner by considering his common representation dated 02.06.2014.

7. The learned Government Advocate would submit that if the terms and conditions stipulated in the bond are violated by the petitioner, liberty may be given to the respondents to take appropriate action.

8. I have considered the above submissions of the counsel for both sides and perused the materials placed.

9. The issue involved in this writ petition was considered by this Court in W.P. No. 12923 of 2008 etc. and batch, dated 12.12.2008 and the same was followed by this Court in W.P. No. 23366 of 2012, dated 29.10.2012 wherein it was held as under:-

8.The very issue was considered as Issue No. 1 in W.P. No. 12923 of 2008 (batch case) dated 12.12.2008 and the said issue was answered thus:

The PG Degree/Diploma Holders, who applied for their Degree/Diploma course through All India Entrance Examination for selection to All India Quota seats and admitted to Tamil Nadu Government Medical Colleges are not bound by the terms and conditions issued by the respondents through their prospectus. Even if any candidate executed bond, it will have no effect since they have not applied for admission under the impugned prospectus.

9. In the light of the said decision rendered by me in the batch of cases and the same having been implemented by the respondents, the respective respondents are bound to return the certificates to the petitioners as prayed for in these Writ Petitions. Consequently, the Writ Petitions are allowed in terms of the order made in W.P. No. 12923 of 2008 (batch case) dated 12.12.2008 and the respondents are directed to return the certificates to the respective petitioners within a period of two weeks from the date of receipt of a copy of this order. No costs.

10. Having regard to the fact that the subject matter covered in this writ petition is no longer *res integra* in view of the decisions of this Court cited *supra*, following the same, this Writ Petition is allowed and the respondents are directed to return the certificates to the petitioner as prayed for in this Writ Petition within a period of three weeks from the date of receipt of a copy of this order.

11. It is needless to state that the respondents have to take into consideration the batch of writ petitions filed before this Court and similar orders being passed and accordingly they can give appropriate instruction to the authorities concerned to return the certificates to the persons, who are similarly placed as that of the petitioners herein and wherever they are eligible.

12. With the above direction, this writ petition is allowed. No costs.