

W.P.No.28238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.28238 of 2023

and

W.M.P.No.27756 of 2023

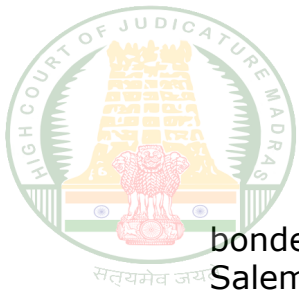
Dr.Pradeep Vasudevan

.. Petitioner

VS

- 1.The State of Tamil nadu
Rep. By its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai -09.
 - 2.The Directorate of Medical Education,
Rep. By its Director of Medical Education,
Kilpauk, Chennai – 10.
 - 3.Directorate of Medical and Rural Health Services,
Rep. By its Director of Medical Health and Preventive Medicine,
359, Anna Salai,
Chennai – 06.
 - 4.Directorate of Public Health and Preventive Medicine
Rep. By its Director of Public Health and Preventive Medicine,
359, Anna Salai, Chennai – 06.
 - 5.KAP Viswanathan Government Medical College,
Rep. By its Dean,
Periyamilaguparai, Collector's Office Road,
Trichy – 620 001.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to treat the petitioner's two-year compulsory bond period as completed and to consequently relieve the petitioner from his



W.P.No.28238 of 2023

bonded service in Government Primary Health Centre, Moolakadai, Salem and to direct the 5th respondent to return the petitioner's original certificates and documents collected by the 5th respondent while admitting the petitioner to the Post Graduate Degree Course along with his Post Graduate Degree certificate.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.KMD.Muhilan
Additional Government Pleader
for R1 to R4

ORDER

The petitioner is a Doctor, who had completed Post Graduation in General Medicine from KAP Viswanathan Medical College in the non service category. He had completed the course in May, 2022 and had, at the time of admission to the course, executed a bond for a sum of Rs.40 lakhs undertaking that he would serve the State for a period of two years after completion of the course. The bond period, admittedly, runs till 31.05.2024.

2. Within a few months of commencing the course, the Covid 19 pandemic had struck and the petitioner, and, in fact several other identically / similarly placed candidates, were required to be on covid duty in R5 Hospital. Though no appointment orders could be issued seeing as the petitioner was a student then, his services during the covid period is not disputed as duty sheets for



W.P.No.28238 of 2023

the service rendered have duly been produced by the petitioner and verified by the respondent counsel.

WEB COPY

3. The question as to whether covid duty would constitute in-bond service is no longer *res integra* having been considered and accepted by two learned Judges in W.P.No.26556 of 2022 (decision dated 02.02.2023) and W.P.No.22894 of 2023 (decision dated 08.09.2023). In these cases, the petitioners were students who were required to perform covid duty during their course and this Court has held, and I concur with these decisions, that the covid duty rendered by the students should be taken note of as service during the bond period.

4. An additional question that arises in this case is as to whether quarantine relatable to covid period is also be taken as bond service. The period of quarantine is, in my considered view, nothing but an extension of covid duty itself as the Rules prevalent then required mandatory quarantine. The petitioner would well have continued with the duty in the covid ward itself has it not been for the mandate of compulsory quarantine. Thus, taking the period of quarantine also as on-duty, such period in this case is quantified as 150 days. On-duty call sheets duly signed by the Dean of R5 college



W.P.No.28238 of 2023

have been produced by the petitioner. This will advance the closure of bond period to 02.01.2024 from 31.05.2024.

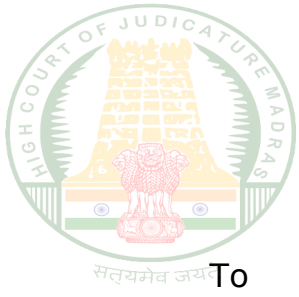
WEB COPY

5. The petitioner's request for a mandamus directing the respondents to treat compulsory bond period as concluding on 02.01.2024 is accepted. R5 is directed, upon completion of bond period on 02.01.2024, to return to the petitioner, his original certificates received at the time of admission to PG course.

6. Allowed in the above terms. No costs. Connected miscellaneous petition is closed.

17.10.2023

Index:Yes/No
Neutral Citation:Yes
ssm



WEB COPY

- To
- 1.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai -09.
 - 2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 10.
 - 3.The Director of Medical Health and Preventive Medicine,
Directorate of Medical and Rural Health Services,
359, Anna Salai,
Chennai – 06.
 - 4.The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine
359, Anna Salai, Chennai – 06.
 - 5.The Dean,
KAP Viswanathan Government Medical College,
Periyamilaguparai, Collector's Office Road,
Trichy – 620 001.



WEB COPY

VERDICTUM.IN



W.P.No.28238 of 2023

DR. ANITA SUMANTH,J.

ssm

W.P.No.28238 of 2023

17.10.2023