

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-03-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3043 of 2019

- 1.R.Divya
- 2.V.Kalaivani
- 3.S.Karthick
- 4.S.Mohanapriya
- 5.G.Nandhini
- 6.E.Ramya
- 7.M.Ramya
- 8.V.S.Vivekanadhan

... Petitioners

Vs.

- 1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.
- 3.The Secretary,
Medical Services Recruitment Board,
7th Floor, D.M.S Building,
No.359, Anna Salai,
Chennai-600 006.
- 4.The Dean,
Madras Medical College,
Chennai-600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to create post for Cardio Vascular Perfusionist in Government Hospitals based on the recommendation by the fourth respondent in Ref.No.13101/P&D/2018 dated 19.9.2018 by considering the representation dated 6.12.2018.

For Petitioners : Mr.N.Bhuvaneshwaran

For Respondents-1,2&4: Mr.R.S.Selvam,
Government Advocate.

For Respondent-3 : Mr.Vivek,
Standing Counsel.

O R D E R

The relief sought for in the present writ petition is absolutely misconceived.

2. Creation of post or sanction of post is the administrative prerogative of the competent authorities.

3. The writ petitioners, being employees of the Government, cannot seek a direction for creation of the post for Cardio Vascular Perfusionist in the Government Hospitals based on the recommendation by the fourth respondent in letter dated 19.9.2018.

4. The recommendations of the fourth respondent is to be considered as an administrative one, which would not provide a cause of action for the writ petitioners to file a writ petition, seeking the prayer for the creation of the post itself.

5. Abolition and creation of posts are the prerogative of the authorities competent and the writ petitioners, being the public servants, must concentrate only on performance of their duties and responsibilities towards the public. The creation of post, based on the recommendation letter of the fourth respondent, would not confer any cause of action for the purpose of relief sought for by the writ petitioners in the present writ petition. Thus, the writ petitioners have not established even a semblance of any legal right, so as to consider the relief, as such, sought for in the present writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai-600 009.

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

3.The Secretary,
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7th Floor, D.M.S Building,
No.359, Anna Salai,
Chennai-600 006.

4.The Dean,
Madras Medical College,
Chennai-600 003.

+1 cc to The Government Pleader, Sr.No.20547

+1 cc to M/s.R.Jayaprakash, Advocate Sr.No.20096

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AD(CO)
CSL/26.03.2019



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