



W.P.No.7685 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM :
THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Petition No.7685 of 2011
and
M.P.No.1 of 2011

1.D.Gopi
2.S.Gajavelu
3.B.Kumaran
4.R.Muthukumaran

... Petitioners

Vs.

1.The Dean & Director,
Indira Gandhi Medical College & Hospital,
Puducherry.

2.Srikanth, working as Physiotherapist,
Indira Gandhi Medical College & Hospital,
Puducherry.

3.T.Rajkumar, working as Physiotherapist,
Indira Gandhi Medical College & Hospital,
Puducherry.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Declaration declaring that the appointment of respondents 2 and 3 as Physiotherapist/Multipurpose Worker (Physiotherapy) through back door is illegal and invalid and consequently to direct the first respondent to consider and appoint the petitioners to the post of Physiotherapist with effect from the date on which the respondents 2 and 3



W.P.No.7685 of 2011

are appointed with all other consequential benefits.

WEB COPY For Petitioner : Mr.V.Ajayakumar,
For Respondent 1 : Mr.Syed Mustaffa,
Special Government Pleader (Pondy)
For Respondents 2 & 3 : Dismissed vide Court order (PSNJ)

ORDER

Learned counsel for the petitioner submitted that the petitioner has filed this writ petition to declare the appointment of respondents 2 and 3 as Physiotherapist/Multipurpose Worker (Physiotherapy) through back door is illegal and invalid and consequently to direct the first respondent to consider and appoint the petitioners to the post of Physiotherapist with effect from the date on which the respondents 2 and 3 are appointed with all other consequential benefits.

2. When the matter was taken up for hearing, learned Special Government Pleader appearing for the first respondent submitted that the respondents 2 & 3 were engaged during the year 2011 and disengaged afterwards in 2012 beginning. Therefore, they are not working in the establishment of the first respondent at all. Further, the petitioners seeks to



W.P.No.7685 of 2011

prescribe a procedure of their own for some imaginary recruitment process and on such unsustainable basis, they seek to project a claim of their own and moreover, the post of Physiotherapist does not come under the term faculty. Since, the respondents 2 & 3 have been disengaged in the year 2012, nothing survives in this writ petition for further adjudication. Hence, he prayed this Court to dismiss this writ petition as infructuous.

3. Heard the learned counsel on either side and perused the materials available on record.

4. In view of the above submission made by the learned Special Government Pleader appearing for the first respondent, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2023

dpq

Index : Yes/No

Speaking Order : Yes/No

Page No.3 of 4



WEB COPY



W.P.No.7685 of 2011

J. SATHYA NARAYANA PRASAD, J.

dpq

To:

1.The Dean & Director,
Indira Gandhi Medical College & Hospital,
Puducherry.

W.P.No.7685 of 2011

28.06.2023

Page No.4 of 4