



W.P.No.5236 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.5236 of 2020
and W.M.P.Nos.6184, 6185, 6186 & 6187 of 2020

1. J.Sajid Ahmed
2. V.Ramya
3. S.Arun
4. V.Aravindan
5. D.Rajmohan
6. R.Ragavedhiran
7. B.Gunasheelan
8. K.Prakash
9. J.Karthi
10. D.Viji
11. K.T.Dhanapal

/vs/

...

Petitioners

1. The Secretary to the Government,
Health and Family (C2) Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
2. The Director of Medical Education,
Kilpauk,
Chennai – 600 010.
3. The Director of Medical & Rural Health Services,
DMS Building,



W.P.No.5236 of 2020

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359, Anna Salai,
Teynampet,
Chennai – 600 006.

4. The Medical Services Recruitment Board,
Rep. by its Member Secretary,
7th Floor, DMS Building,
359, Anna Salai,
Teynampet,
Chennai – 600 006.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the first respondent relating to G.O.(Ms) No.412 dated 13.09.2019 in so far as one-time relaxation of the necessary qualification is made thereby granting promotion for the serving Dark Room Assistants to the post of Radiographer under the respondents 2 and 3 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents 1 & 4 to appoint the petitioners in the post of Radiographer within the time frame fixed by this Court.

For Petitioner	...	Mr.G.Thalaimutharasu
For Respondents	...	Mr.S.Silambanan Additional Advocate General assisted by Mr.T.Chezhiyan, Additional Govt. Pleader for R1 to R3

Mr.L.Murugavel for R4



W.P.No.5236 of 2020

ORDER

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The unsuccessful candidates who have participated in the recruitment to the post of Radiographer have filed this writ petition by stating that in the event of promoting the in-service Dark Room Assistants, the existing vacancies in the post of Radiographers will be reduced and hence the petitioners who are specially qualified by acquiring a Diploma in Radio Diagnosis Technology will be unemployed.

2. The petitioners cannot dictate any policy decision to the Government in respect of any recruitment. If the Government thinks it fit to promote the existing Dark Room Assistants to the post of Radiographers, the same cannot be questioned. If the petitioners found themselves eligible to compete for any of the direct recruitment vacancies for Radiographers notified, they can very well participate and prove their merit.

3. It is the prerogative of Government to make any one time relaxation for the benefit of existing service persons by taking into account



W.P.No.5236 of 2020

of their experience and exposure in the relevant field. The petitioners have sought the relief which affects the interest of those who have already promoted from service to the post of Radiographer. However, the individuals have not been impleaded as parties.

4. In support of his contention that the petitioners are eligible to maintain this Writ Petition and seek the relief, Mr.G.Thalaimutharasu, the learned counsel for the petitioner, cited the order passed by this Court in W.P.(MD)No.5449 of 2020 dated 30.11.2022 wherein it is held under:

“ 7. I do not want to go into the factual controversy. If the petitioners are eligible, they shall be considered by the third respondent. If the validity of the list has already expired, the petitioners will have to necessarily take part only in the next recruitment process.”

5. The present writ petition has been filed by claiming certain rights in respect of waiting list and not questioning the policy of the Government in making certain recruitments through promotion. Further, the above matter did not go into the factual aspect and it simply gives a quietus that the petitioners are at liberty to participate in the next selection process by making due applications.



W.P.No.5236 of 2020

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6. The above order cannot, in any way, help the petitioners for the relief sought in this Writ Petition. The petitioners who are completely third parties to G.O.(Ms) No.412 dated 13.09.2019 did not have any *locus standi* to question the same. The petitioners have not entered into the Department and thus they have not established any employee - employer relationship between themselves and the Government. While so, they cannot question G.O.(Ms) No.412 dated 13.09.2019 which was passed in respect of those persons who are already in service. Hence, I find no merits in the Writ petition.

7. In view of the above stated reasons, this writ petition is not maintainable and hence, dismissed. No costs. Connected miscellaneous petitions are closed.

01.12.2023

Index: Yes / No
Speaking order / Non-speaking order
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W.P.No.5236 of 2020

R.N.MANJULA ,J.

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To:

- 1.The Secretary to the Government,
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W.P.No.5236 of 2020

01.12.2023