



W.P.No.9639 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

Writ Petition No.9639 of 2024

Dr.Prakash R

... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St. George, Chennai – 600 009.
 2. Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai – 600 010.
 3. Directorate of Medical and Rural Health Services,
Represented by the Director of Medical and Rural
Health Services, 359, Anna Salai,
Chokkalingam Nagar, Teynampet,
Chennai – 600 006.
 4. Directorate of Public Health and Preventive Medicine,
Represented by the Director of Public Health and
Preventive and Medicine,
Chennai – 600 006.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents terminate the services of the non-service P.G.graduate doctors whose



W.P.No.9639 of 2024

bond period is completed and fill the consequent vacancies with service doctors based on their eligibility and seniority.

For Petitioner : Mr.E.Manoharan
For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This writ petition is filed for a writ of mandamus directing the respondents to terminate the services of the non-service P.G. Graduate Doctors, whose bond period is completed and fill the consequent vacancies with service doctors based on their eligibility and seniority.

2. Merely because the petitioner has the necessary qualifications, he has no right to demand that the respondents to fill up the vacancies immediately on a regular basis. As and when the respondents take up recruitment, the petitioner can apply. Further, if the bond period is over and the candidates are continued on a temporary basis, the same by itself is not illegal, while it may not give any concomitant right to such temporary hands to claim regularisation. But the government in its administrative necessity permits the continuation of such hands in service



W.P.No.9639 of 2024

beyond the bond period, the petitioner cannot have any such right to approach this Court demanding termination of their services. This Court can in a judicial review can interfere if any of the legal rights of the petitioner is affected and cannot function as super administrator of the department in the exercise of jurisdiction under Article 226 of the Constitution of India.

3. Accordingly, finding no merits, this writ petition is dismissed.

No costs.

05.04.2024

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

mp

To

1. The Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St. George, Chennai – 600 009.
2. Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai – 600 010.
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W.P.No.9639 of 2024

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.9639 of 2024

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