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Date : 24/08/2025

Deepumon.P Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Jan. 22, 2025

Hon'ble Judges: D. K. Singh, J

Bench: Single Bench

Advocate: Kaleeswaram Raj; Thulasi K. Raj, Aparna Narayan Menon; Chinnu Maria Antony, Mary Beena Joseph

Final Decision: Disposed Of

Judgement

D. K. Singh, J

1. The petitioner has been working as an Operation Theatre Technician at Government Taluk Hospital, Valiyakunnu, Attingal, Chirayinkeezhu Taluk,

Thiruvananthapuram, with effect from 01.07.2016 on a contract basis. Even after rendering eight years of service, there is no hope for the petitioner

to get himself regularized as there is no substantive post created for Operation Theatre Technician in the said Taluk Hospital. The petitioner has

approached this Court in the present writ petition seeking a writ of mandamus commanding the respondents to create the post of Operation Theatre

Technician and Anesthesia Specialist Technician in Government Medical Colleges and Hospitals.

2. It is a policy decision by the Government to create the post, and the petitioner cannot seek a writ of mandamus for the creation of posts inasmuch

as the petitioner does not have a right in that respect.

3. Be that as it may, the petitioner has been working for more than eight years in the said post, though on a contract basis, which would be enough to

conclude that the work of Operation Theatre Technician and Anesthesia Specialist Technician is of a permanent nature. Therefore, the Government

must take a policy decision for the creation of the post of Operation Theatre Technician and Anesthesia Specialist Technician in Government Medical

Colleges and Hospitals. These posts cannot be manned on a contract basis.

4. In view thereof, the first respondent is directed to take a decision regarding the creation of the post in Government Medical Colleges and Hospitals

for the appointment of an Operation Theatre Technician and Anesthesia Specialist Technician within two months.

With the aforesaid direction, the present writ petition stands closed.