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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WP No. 15102 of 2020,
WP NO. 2854 OF 2018,WP(MD) NO. 8712 OF 2019 and WP(MD) NO. 12297
OF 2017**

WP No. 15102 of 2020

Ilaiyaraja

..Petitioner(s)

Vs

1. The Chief Secretary
State of Tamilnadu,
Secretariat, Fort, St George, Chennai.
2. The Principal Secretary
Department of Health and Family Welfare,
Secretariat, Fort, St George, Chennai.
3. The Principal Secretary
Department of Personnel and Administrative
Reforms, Secretariat, Fort, St George,
Chennai.
4. The Director of Medical Education
No.162, EVR Periyar Salai, Kilapuk, Chennai-
600 010.
5. The Director of Public Health and
Preventive Medicine, DMS Campus,
Teynampet, Chennai-6.
6. Tamilnadu Dr.M.G.R. Medical University
Rep by its Registrar, Guindy, Chennai.
7. The Director
Gandhigram Institute of Rural Health and
Family Welfare Trust, Ambathurai, Dindigul-



600 302.

8. The Director
Department of Family Welfare, DMS Campus,
Teynampet, Chennai-6.

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9. Tamilnadu Public Service Commission
Rep by Chairman, TNPSC Road, VOC
Nagar, Park Town, Chennai.

..Respondent(s)

WP No. 2854 of 2018

K. Suji

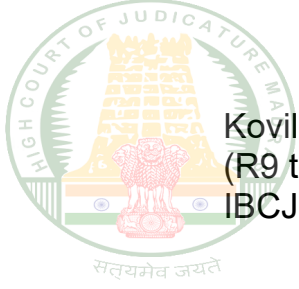
..Petitioner(s)

Vs

1. The State of Tamil nadu rep by
Chief Secretary to Government, Fort St.
George, Secretariat, Chennai 09
2. The Secretary
Tamil Nadu Public Service Commission,
Omanthur Government Estate, Chennai
3. The State of Tamil Nadu rep by
its Secretary to Government,, Department of
Health & Family Welfare, Fort St. George,
Secretariat, Chennai 09
4. The State of Tamil Nadu rep by
Secretary to Government, Personnel and
Administrative Reforms (C) Department, Fort
St. George, Secretariat, Chennai 600 009
5. The Director
Gandhigram Institute of Rural Health & Family
Welfare Trust , Ambathurai, Gandhigram ,
Dindugal 624 302
6. The Registrar
Dr. M.G.R. Medical University, Guindy,
Chennai 600 032
7. The Director of Family Welfare
DMS Complex, VIth Floor, Teynampet,
Chennai 600 006



8. The Director of Public Health
Preventive medicine, DMS Complex, New
Annexure Teynampet, Chennai 600 006
9. S.Gangadharan, Health
Inspector Grade-I, O/o.DDMS(L)Chennai.
10. P.Ganesan, Health Inspector
Grade-I, Primary Health Centre,
Gangaikondan, Tirunelveli, HUD.
11. T.Sankarasubbu, Health
Inspector Grade-I, Primary Health
Centre, O/o.DDMS(L), Sivakalai,
Tirunelveli HUD.
12. V.Rangan, Health Inspector
Grade-I, Primary Health Centre,
O/o.DDMS(L), Kancheepuram at Poonamallee.
13. B.Jayachandran, Health
Inspector Grade-I, Primary Health Centre,
Zaminendathur, Kancheepuram, HUD.
14. C.Maheswaran, Health
Inspector Grade-I, Primary Health Centre,
Amathur, Virudhunagar HUD.
15. S.M.Abdul Kadhar, Health
Inspector, Primary Health Centre,
Moolaikaraipatti, Tirunelveli.
16. A.Sudha, Auxiliary Nurse
Midwife, Government Hospital, Tambaram at
Chrompet, Kancheepuram.
17. C.Chandra, Village Health
Nurse, Primary Health Centre, Mookuperai,
Thoothukudi HUD.
18. S.Valli, Auxiliary Nurse
Midwife, Government Hospital, Tirunelveli.
19. C.Manimegalai, Auxiliary
Nurse Midwife, Primary Health Centre,



Kovilpatti, Tirunelveli.

(R9 to 19 are impld.as per order dt.19.02.18 by
IBCJ & AQJ IN WP.2854/18)



WEB COPY

WP(MD) No. 8712 of 2019

..Respondent(s)

1. K. Kesava Moothy
2. S.Mahaswaran

..Petitioner(s)

Vs

1. The Chief Secretary
State of Tamilnadu, Secretariat,
Fort.St.George, Chennai -600 009 Chennai
2. The Principal Secretary
Department of Health and Family Welfare,
Secretariat, Fort.St.George, Chennai -600 009
3. The Principal Secretary
Department of Personnel and Administrative
Reforms, Secretariat, Fort.St.George,
Chennai -600 009
4. The Director Of Medical Education
No.162, EVR Periyar Salai, Kilpauk,
Chennai -600010
5. The Director Of Public Health And Preventive
Medicine
DMS Campus, Theynampet, Chennai-600 006
6. Tamilnadu Dr.M.G.R.Medical University
Represented by its Registrar, Guindy, Chennai
-600 032
7. The Director
Gandhigram Institute of Rural Health and
Family Welfare Trust, Ambathurai,
Gandhigram, Dindigul-624 302



8. The Director
Department of Family Welfare,
DMS Campus,
Theynampet,
Chennai -600006

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9. The Secretary
Tamilnadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town,
Chennai-600 003

..Respondent(s)

WP(MD) No. 12297 of 2017

K. Bhanumathi

..Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep. By its Chief Secretary to Government,
Fort St.George, Secretariat,
Chennai – 600 009.
2. The Secretary
Tamil Nadu Public Service Commission,
Omanthur Government Estate, Chennai.
3. The State Of Tamil Nadu
Rep By Its Secretary To Government,
Department Of Health And Family Welfare,
Fort St. George, Secretariat,
Chennai - 600 009.
4. The Director
Gandhigram Institute Of Rural Health And
Family Welfare Trust, Ambathurai,
Gandhigram, Dinugal - 624 302.
5. The Registrar
Dr. M.G.R. Medical University, Guindy,
Chennai.
6. The Director Of Public Health And Preventive
Medicine
Dms Complex, Teynampet,
Chennai - 600 006.



7. The Directorate Of Medical Education
No. 162, Eve Periyarsalai, Kilpauk, Chennai -
600 010.

8. The Director Of Family Welfare
Teynampet, Chennai - 600 006.

..Respondent(s)

WP No. 15102 of 2020

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorari calling for the records in G.O.Ms.No.817, dated 14.08.2012 (Health and Family Welfare AA1 Department) and consequential amendment in G.O.Ms.No.02, dated 06.01.2014,(Health and Family Welfare AA1 Department) followed by the subsequent amendment in G.O.Ms.No.913, dated 20.04.2017 (Health and Family Welfare R1 Department) and consequential amendment in G.O.Ms.No.256, dated 27.06.2020 (Health and Family Welfare R1 Department) on the file of the 2nd Respondent and quash the same and direct the and grant such other relief deem fit and proper under the circumstances of the case.

WP No. 2854 of 2018

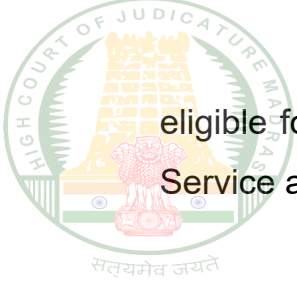
Writ Petition filed under Article 226 of the Constitution of India issuing writ of declaration declaring the G.O.(D) No.817, dated 14.08.2012 and G.O.Ms.No.02, dated 06.01.2014 and G.O.(D) No.913, Health and Family Welfare (R1) Department dated 20.04.2017 issued by the 3rd respondent amending ad-hoc Rule-4 of the Rules published in the Health and Family Welfare Department Notification SRO No.B-125 of 1993 at pages 126 and 127 of Part -III Section -I (B) of the Tamil Nadu Government Gazette, dated 18th August, 1993 as arbitrary and violated of article 14 and 16 of the Constitution in so far as it makes a Diploma in Nutrition and Health Education awarded by the India Gandhi National open University as equal to the Post Graduate Diploma in Health Promotion.

**WP(MD) No. 8712 of 2019**

Writ Petition filed under Article 226 of the Constitution of India issuing writ of declaration declaring to issue a Writ of Declaration, declaring the G.O. (D) No.817 Health and family Welfare (AA1) Department dated 14.08.2012 and consequent Amendment G.O.Ms.No.02 Health and Family Welfare (AA1) Department dated 06.01.2014 and subsequent Amendment made in G.O(D) No.817 by way of another G.O in the G.O (D) No.913 Health and Family Welfare (R1) Department dated 20.04.2017 issued by the 2nd respondent are arbitrary and violation of Article 14 and 16 of the Constitution of India in so far as it makes a Diploma in Nutrition and Health Education (DNHE) awarded by the Indira Gandhi National Open University is equal to the Post Graduate Diploma in Health Promotion and Education (PGDHPE) from the Gandhigram Institute of Rural Health and Family Welfare affiliated to the Tamilnadu at M.G.R.Medical University and being eligible for the post of Health Educator(Non-Medical) and District Extension Educator in Tamil Nadu medical Subordinate services and pass such further or other orders as thus Court may deem fit and proper in the circumstances of the case and thus render justice.

WP(MD) No. 12297 of 2017

Writ Petition filed under Article 226 of the Constitution of India issuing writ of declaration declaring the G.O.(D).No. 817, dated 14.08.2012 and G.O.Ms.No. 02, Health and Family Welfare Department, dated 06.01.2014 issued by the 5th respondent amending ad hoc Rule-4 of the Rules Published in the Health and Family Welfare Department Notification SRO No. B-125 of 1993 at pages 126 and 127 of Part - III Section - 1 (B) of the Tamil Nadu Government Gazette, dated the 18th August, 1993 as arbitrary and violative of Article 14 and 16 of the Constitution in so far as it makes a Diploma in Nutrition and Health Education awarded by the Indira Gandhi National Open University as equal to the Post Graduate Diploma in Health Promotion and Education from the Gandhigram Institute of Rural Health and Family Welfare Trust affiliated to the Tamil Nadu Dr. MGR Medical University and being



eligible for the post of Health Educator (Non Medical) in Tamil Nadu Medical Service and thus render justice.

WP.No.15102 of 2020

For Petitioner(s): Mr.M.Manohar

For Respondent(s): Dr.R.Gouri,
Government Counsel for R1-5, 8
Mr.M.Sivavarthan for R6
Mr.S.Magesh for Mr.V.Vijayshankar
for R7
No appearance for R9

WP.No.2854 of 2018

For Petitioner(s): No appearance

For Respondent(s): Dr.R.Gouri,
Government Counsel for R1, 3, 4, 7 & 8
Mr.Hari Radhakrishnan for R6
Mr.S.Magesh, for Mr.V.Vijay Shankar for R5,
Mr.V.Vijayshankar for R5
No appearance for R13, 14, 16
Not ready in notice R9-11, 15, 17-19

WP.(MD).No.12297 of 2017

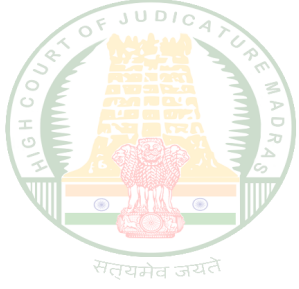
For Petitioner(s): No appearance

For Respondent(s): Dr.R.Gouri,
Government Counsel for R1, 3, 6, 7 & 8
Mr.S.Magesh, for Mr.V.Vijay Shankar for R4,
No Appearance for R2

WP.(MD).No.8712 of 2019

For Petitioner(s): Mr.R.Amardeep

For Respondent(s): Dr.R.Gouri,
Government Counsel for R1-5, 8
Mr.Hari Radhakrishnan for R6
Mr.S.Magesh for Mr.V.Vijayshankar
for R7
No appearance for R9

**Common Order****(Order of the Court was made by S.M.Subramaniam J.)**

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The present writ petitions have been instituted challenging G.O.(D).No. 817, Health and Family Welfare (AA1) Department, dated 14.08.2012, and the amendment to Adhoc Rules made in G.O.Ms.No. 02, Health and Family Welfare (AA1) Department, dated 06.01.2014, and the subsequent amendment in G.O.(D).No. 913, Health and Family Welfare (R1) Department, dated 20.04.2017 and consequential amendment in G.O.Ms.256, Health and Family Welfare (R1) Department, dated 27.06.2020,

2. The issue pertains to grant of equivalence of the qualification i.e., a Diploma in Health, Promotion and Education from All India Institute of Public Health and Hygiene of Calcutta University, a post graduate Diploma in Health, Promotion and Education from Gandhigram Institute of Rural Health and Family Welfare Trust affiliated to Tamil Nadu Dr.M.G.R.University, on par with Diploma in Nutrition and Health education awarded by Indira Gandhi National Open University.

3. The dispute arose regarding equivalence between the above Diploma courses conducted by various Universities. The matter was placed before the Equivalence Committee, which is an expert body constituted by the Government for grant of equivalence of degree/Diploma granted by various Universities across the Country.



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4. In the present case, the subject was placed before the Equivalence Committee of the Tamil Nadu Public Service Commission for consideration to provide employment for the post of Health Educator/District Extension Educator. After evaluation in detail, the Equivalence Committee in its 34th meeting held on 30.05.2012 had resolved and recommended the candidates possessing the qualification Diploma in Nutrition and Health Education awarded by Indira Gandhi National Open University are eligible for appointment to the post of Health Educator/District Extension Educator in Government Departments. The Government also independently examined the recommendations of the Equivalence Committee and decided to accept the recommendations of the Tamil Nadu Public Service Commission. Accordingly, the Government issued G.O.(D).No. 817, Health and Family Welfare (AA1) Department, dated 14.08.2012, directed that the qualification of Diploma in Nutrition and Health Education awarded by Indira Gandhi National Open University be treated as equivalent to the post graduate Diploma in Health, Promotion and Education awarded by Tamil Nadu Dr.M.G.R. Educational University and that candidates possessing the above qualifications are eligible for appointment to the post of Health Educator/District Extension Educator in the Tamil Nadu Medical Subordinate Services.

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5. Pursuant to the Government Order accepting the recommendation of the Equivalence Committee, an amendment to adhoc rules was made in the Tamil Nadu Medical Services vide G.O.Ms. No.02, Health and Family Welfare (AA1) Department, dated 06.01.2014. The rule was amended as under:

“ AMENDMENT

In the said Rules, in rule 4, for sub-rule (b), for item (ii), the following item shall be substituted, namely:-

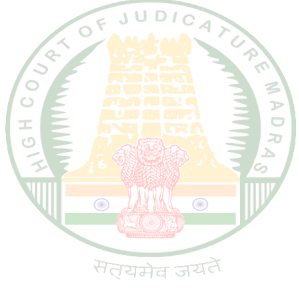
“(ii). A Diploma in Health Education from the All India Institute of Public Health and Hygiene, Calcutta of the Calcutta University; or a post graduate Diploma in Health Promotion and Education from the Gandhigram Institute of Rural Health and Family Welfare Trust affiliated to the Tamil Nadu Dr.MGR Medical University; or a diploma in Nutrition and Health Education awarded by the Indira Gandhi National Open University.”

6. A subsequent amendment was issued to G.O.Ms. No. 817, Health and Family Welfare (AA1) Department, dated 14.08.2012, vide G.O.(D). No. 913, Health and Family Welfare (R1) Department, dated 20.04.2017, which is extracted hereunder:

AMENDMENT

(i) In para 3 of G.O.(D) No.817, Health and Family Welfare (AA1) Department, dated 14.08.2012 after the words post of Health Educator, the following shall be added

“and the post of District Extension Educator”



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(ii) In para 4 of the G.O.(D) No.817, Health and Family Welfare (AA1) Department, dated 14.08.2012 after the words the post of Health Educator in Tamil Nadu Medical Service, the following shall be added

"and the post of District Extension Educator in Tamil Nadu Medical Subordinate Service"

iii) After para 5, the following para shall be added as para 6

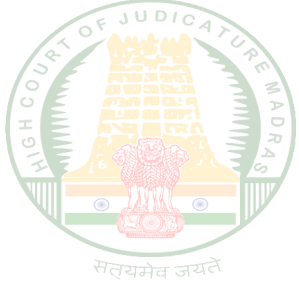
"The Director of Family Welfare is directed to send amendment proposal to the Ad-hoc Rules governing the post of District Extension Educator to the Government at the earliest."

(iv) The existing para 6 shall be renumbered as 7."

7. A consequential amendment in G.O.Ms.No.256, Health and Family Welfare (R1) Department dated 27.06.2020 is passed treating Diploma in Nutrition and Health Education awarded by Indira Gandhi National Open University on par with the PG Diploma in Health Promotion and Education from the Institute of Rural Health and Family Welfare Trust, Gandhigram for the post of District Extension Educator through recruitment transfer, which is extracted hereunder,

In the said Rules, in rule 5, in sub-role b, in the table, in column (3)-

(a) after the expression "fifteen years" in item (ii) against the expression "Promotion" in column (2) thereof, the expression "in the respective posts" shall



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be added,

(b) after the expression "respective post", in item (ii) against the expression "Recruitment by transfer" in column (2) thereof, the following expression shall be added namely:-

"or Diploma in Nutrition and Health Education awarded by Indira Gandhi National Open University New Delhi with experience for a period of not less than two years in the respective post."

8. Learned counsel for the petitioners would mainly contend that the study made by the Equivalence Committee is incorrect, in view of the opinion offered by the Registrar, Dr.M.G.R University. The opinion of the said University is different from that of the opinion and recommendation made by the Equivalence Committee constituted by the Tamil Nadu Public Service Commission and accepted by the Government.

9. Learned counsel would further contend that in comparison one can identify the nature of subjects and field experiences are distinct and different. Therefore, equivalence granted by the Government is not in consonance with the principles. That apart, the promotional opportunities of the petitioners are taken away on account of grant of equivalence to these degrees, as a large number of candidates who studied at Indira Gandhi National Open University will also be directly recruited and inducted, thereby denying opportunities to



the in-service candidates to secure promotion.

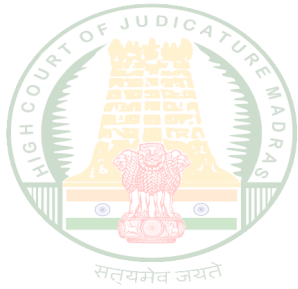
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10. Learned Government Counsel would oppose by stating that a detailed study has been made by the Equivalence Committee, which is the expert body and finally a resolution was passed recommending equivalence, and it was accepted by the Government and the impugned orders are issued. Grant of equivalence was made based on the report of the Expert Committee. Thus, the present writ petition is to be rejected.

11. This Court considered the rival submissions made by the parties on either side to the lis on hand.

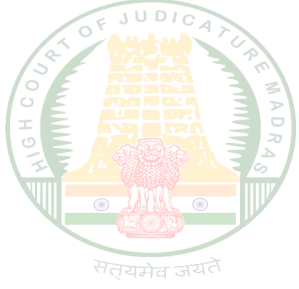
12. The procedure followed for grant of equivalence are set out in Paragraph 6 of the counter affidavit filed by the Government, which reads as under:

“6. The Government have created opportunities to the public for entering into the Government job according to their Educational qualifications. The course content of the Diploma in Nutrition and Health Education awarded by the IGNOU and the course content of the Diploma in Health Promotion and Health Education awarded by the Gandhigram Institute of Rural Health and Family Welfare Trust were examined in detail, though the syllabus content of both the courses vary the



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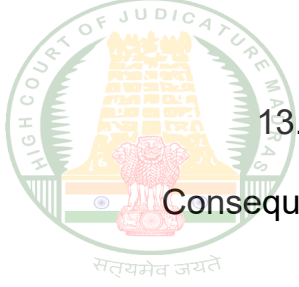
Diploma in Nutrition and Health Education course offered by the IGNOU covers Nutrition for the Community, Public Health and Hygiene and Nutrition and Health Education which is the relevant content to the current objectives of Reproductive and Child Health Programme. Hence, it was recommended to consider the diploma awarded by IGNOU as equivalent to diploma awarded by other recognised Universities and programs. For this purpose, the Government may make amendment to the existing rules, as required by situation. Further, the educational curriculum of Diploma in Nutrition and Health Education awarded by IGNOU includes Project Work and the students are required to submit Project Report on the field work. In Project Work, the students are guided by the Project Counsellors / Field Guides. The Project Work, therefore, involves actual field work. Hence, there is no absence of field work in the Diploma in Nutrition and Health Education course. Accordingly, after detailed examination and consideration and also the recommendation of Equivalence Committee in Tamil Nadu Public Service Commission, the Government has issued an executive Order in G.O.(D) No. 817, Health and Family Welfare Department, dated 14.08.2012 that the qualification of Diploma in Nutrition & Health Education awarded by the IGNOU, New Delhi be treated as equivalent to the Post Graduate Diploma in Health Promotion and Education awarded by the Tamil Nadu Dr.MGR Medical University; and the candidates possessing



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the above qualification are eligible for appointment to the post of Health Educator in the Tamil Nadu Medical Service. Further, an amendment has also been issued to the Adhoc rules for the above said post vide G.O.(Ms) No.02, Health and family Welfare Department, dated 06.01.2014.”

13. Therefore, after following the prescribed procedure, the Equivalence Committee considered the subjects prescribed for these courses and made recommendations. The opinion of the expert body can not be substituted by the High Court in exercise of the powers of judicial review. The High Court, not being an expert body, normally would not interfere with the opinion offered by experts, unless such opinion run counter to the statutory provisions or wholly incorrect. Re-analysis of the expert opinion in a writ proceeding is not desirable. If at all, the petitioners have a contra opinion, they have to submit representation to the Government for consideration. However, the High Court, in exercise of powers of judicial review, cannot deliberate or substitute the opinion of the experts in academic matters. That being the principle settled, the present writ petition and the relief sought for deserves no merit consideration.



13. Consequently, the writ petitions are dismissed. No costs.

Consequently, the connected miscellaneous petitions, if any, are closed.

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(S.M.S.,J.) (N.S.,J.)
01-07-2026

Index: Yes/No

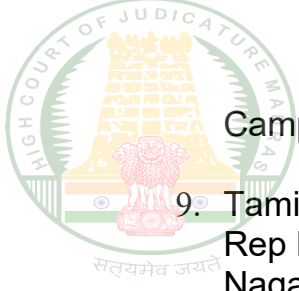
Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

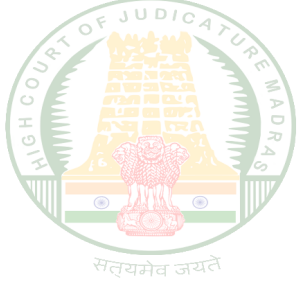
1. The Chief Secretary
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Department of Health and Family
Welfare, Secretariat, Fort, St George, Chennai.
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8. The Director
Department of Family Welfare, DMS



Campus, Teynampet, Chennai-6.

9. Tamilnadu Public Service Commission
Rep by Chairman, TNPSC Road, VOC
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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**01-07-2026
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