

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.A.No.1490 of 2017
and
CMP.Nos.19676 and 19677 of 2017

- 1.M.P.Gopinath
- 2.P.Nagarajan
- 3.T.Sundaramoorthy
- 4.P.Selvamurugan
- 5.L.Joseph Christoper
- 6.B.Venkatsurya
- 7.Ramachandran
- 8.A.Venkatesan
- 9.T.Balasubramaniyan
- 10.M.Kandasamy
- 11.E.Naveen Kumar
- 12.R.Bagavathi
- 13.V.Balamurugan
- 14.S.Regii Jenitha
- 15.S.Bharathi
- 16.M.Poongothai
- 17.P.Thirumayee
- 18.J.Shanmugasundhari
- 19.K.Ramya
- 20.M.Dharani
- 21.G.Uma Maheswari
- 22.P.P.Alagu Jothi
- 23.S.Nagajothi
- 24.M.Mohana Priya
- 25.P.Siva Shanmugapriya
- 26.N.Murugeswari
- 27.T.Uma Maheswari
- 28.V.Geetha
- 29.N.Sangeetha
- 30.B.N.Meena
- 31.M.Ramkumar
- 32.M.Balavelautham
- 33.A.Vinoth Antony
- 34.R.Nagaraj
- 35.P.Prasanth
- 36.A.Jeyakumar



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37.G.Pandian
38.B.Pavithran
39.G.Muthuraja
40.M.Prasanth Kumar
41.K.Sadam Hussain
42.S.Antony Philip
43.R.Eswaran
44.T.Manikandan
45.A.Parthiban
46.R.Rajavel
47.K.Tamil Selvan
48.G.Veerapathiran
49.A.Appuraja
50.P.Nagarajan
51.R.Ranjith
52.M.Ramanathan
53.B.Sanjeevi
54.R.Chitra Mayil
55.R.Rajkumar

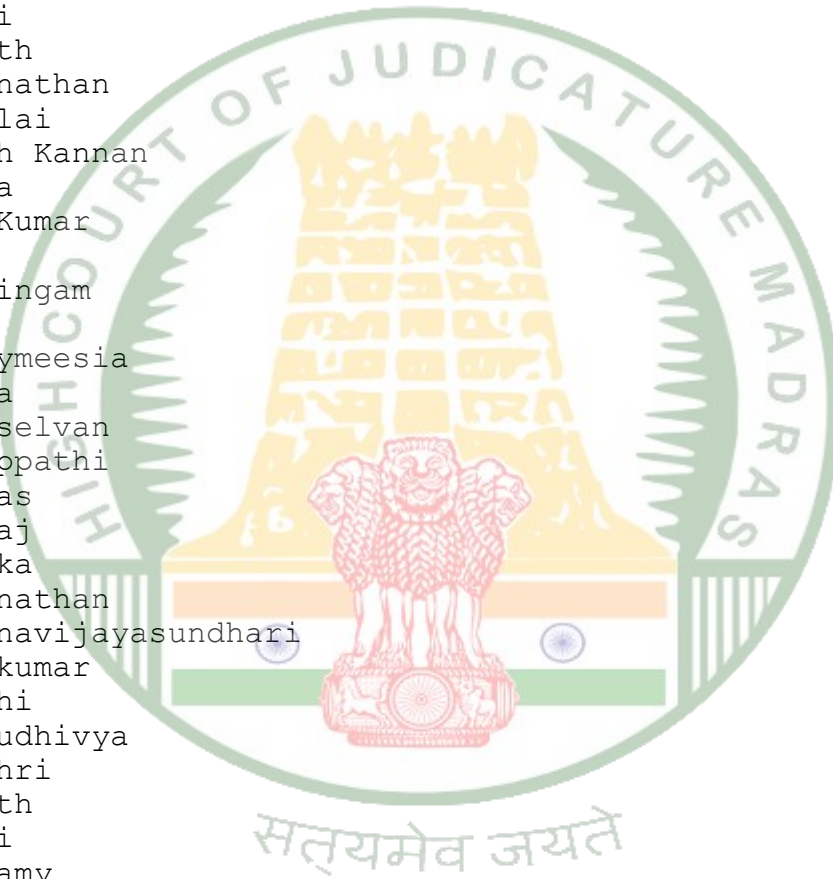
... Appellants

vs.

1. The Commissioner,
Chennai Municipal Corporation
Rippon Buildings,
Chennai - 600 003.
2. The Commissioner/Director of Municipal Administration
Chepauk, Chennai - 600 005.
3. The Principal Secretary
Municipal Administration and Water Supply Department
Fort St. George, Chennai - 600 009.
4. The Principal Secretary,
Health and Family Welfare Department
Fort St. George, Chennai-600 009.
5. The Director,
Directorate of Public Health & Preventive Medicine,
DMS Complex, Teynampet,
Chennai - 600 006.
6. The Director of Town Panchayats,
Kuralagam, Chennai - 600 108.
7. Madurai Kamaraj University
represented by the Registrar,
Palkalai Nagar, Madurai - 625 021.

8. WASH Institute,
represented by the Treasurer,
Katiranampatti Pirivu, Reddiar Chatram,
Dindigul.

9. J.Sharmila
10.M.Manigandan
11.P.Vadivel
12.R.Rajapandiyam
13.S.Vinoth
14.K.Parthasarathi
15.B.Thanuskodi
16.B.Ramani
17.R.Prasath
18.A.Jeeganathan
19.M.Poomalai
20.T.Rajesh Kannan
21.A.Nithya
22.M.Prem Kumar
23.R.Mani
24.G.Rajalingam
25.J.Divya
26.S.Princymeesia
27.M.Vimala
28.S.Kalaiselvan
29.M.Thiruppathi
30.S.Indiyas
31.A.Yuvaraj
32.C.Deepika
33.V.Viswanathan
34.R.Palkunavijayasundhari
35.R.Selvakumar
36.G.Gomathi
37.B.Azhagudhivya
38.K.Gayathri
39.Y.Manjith
40.M.Janani
41.R.Aruchamy
42.D.Pragadeshwaran
43.D.Tamilmozhi
44.P.Thilagaraj
45.R.Arunkumar
46.C.Suresh
47.B.Easwaran
48.R.Karthick
49.S.Jayaseelan



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... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 19.07.2017 passed by a learned Single
Judge of this Court in W.P.No.2115 of 2016.

Prayer in W.P.No.2115 of 2016:-

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of declaration declaring that the PG Diploma in Environmental Science offered by Madurai Kamaraj University through the WASH Institute is equivalent to PG Diploma in Sanitary Inspectors course conducted by Government and institutions recognised by Government as prescribed in the Chennai Corporation Health Malaria and Family Welfare Department Subordinate Services Bye-laws 2009 and consequently direct the respondents 1 to 6 to consider and appoint the petitioners herein to the post of Sanitary Inspectors with the Corporation of Chennai pursuant to Notification No.001 dated 13.12.2015 of the corporation of Chennai

For Appellants : Mr.K.Srinivasa Murthy

For R1 : Mr.G.Anantha Rangan

For R2 to R6 : Mr.R.Prathap Kumar, AGP

JUDGMENT

(Judgment of the Court was made by HULUVADI G. RAMESH, J.)

Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

2. Feeling aggrieved over the order dated 19.07.2017 passed by a learned Single Judge in W.P.No.2115 of 2016, the respondents 61 to 63 and 9 to 60 in the said writ petition, have come up with the present intra-court appeal.

3. The brief facts of the case are that the first respondent Chennai Corporation, by a notification dated 13.12.2015, invited applications from the persons possessing the required qualification, viz., B.Sc degree in Chemistry + P.G. Diploma in Sanitary Inspector from any one of the Institutes recognised by the Government, for appointment to the post of Sanitary Inspectors. Since the respondents 9 to 49 herein did P.G. diploma only in Environmental Science offered by WASH Institute, they have preferred the aforesaid writ petition seeking a direction to declare the PG Diploma in Environmental Science offered by Madurai Kamaraj University through the WASH Institute as equivalent to PG Diploma in Sanitary Inspectors Course conducted by Government and institutions recognised by Government as prescribed in the Chennai Corporation Health, Malaria and Family Welfare Department Subordinate Services Bye-laws, 2009 and consequently direct the official respondents to consider and appoint them to the post of Sanitary Inspectors

with the Corporation of Chennai, pursuant to Notification No.001 dated 13.12.2015 issued by the Corporation of Chennai.

4.By the order impugned herein, the learned Single Judge disposed of the aforesaid writ petition, the relevant paragraphs of which reads thus:

"4. Since the Government has taken note of the grievances and taken appropriate steps to consider the issues on merits and in accordance with law, it is fair to allow the authorities to take a decision in this regard by issuing comprehensive orders in respect of the grievances set out in this writ petition.

5. At this point of time, the learned counsel appearing for the respondent contended that the impleaded respondents are fully qualified for their appointment to the post of Sanitary Inspectors and the petitioners' eligibility for appointment is in question. Further they brought to the notice of this Court that the candidates have participated in the written examination and waiting for their results.

6. In view of the interim order granted in this writ petition, results are unable to be published. May that it be, this Court is not inclined to consider the issues involved in this writ petition, in view of the fact that the Government has already undertaken the work of deciding the eligibility, equivalence and other criteria.

7.In this view of the matter, this Court is of the opinion that the Competent Authorities shall take appropriate steps to consider all the issues in the light of G.O.Ms.No.107, Health and Family Welfare (N1) Department, dated 13.4.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity to all concerned and the writ petitioners are at liberty to submit their representations in this regard to the Competent Authorities, explaining their grievances for redressal."

5.According to the appellants, the respondents 9 to 49 herein did not possess a Diploma in Sanitary Inspectors from any one of the recognised institutes, so as to consider them for appointment to the post of Sanitary Inspectors, whereas, the appellants are fully qualified for appointment to the post of Sanitary Inspectors in terms of the notification dated

13.12.2015. However, in view of the impugned order passed by the learned Single Judge, the first respondent is not in a position to proceed with the selection process by declaring the results and filling up the posts.

6.We do not find any infirmity or illegality in the order so passed by the learned Single Judge, as the Government has already taken steps to consider the issue of equivalence in respect of the courses offered by the Private Institutions/Universities/Deemed Universities grievance vide G.O.Ms.No.107 Health and Family Welfare (N1) Department, dated 13.04.2017. Accordingly, the order impugned herein is hereby confirmed.

7.At this juncture, the learned counsel for the appellants submitted that pursuant to the order of the learned Single Judge, the appellants are unable to get appointments, though they possess the required qualification, as per the rules prevailing as on the date of notification. Even if a decision is taken by the competent authority in the light of G.O.Ms.No.107 dated 13.04.2017, the same will apply only for the future and not to the posts, which were already notified.

8.This Court finds some bona fide in the submission so made by the learned counsel for the appellants. Therefore, we direct the official respondents to consider the claim of the appellants, while examining the issue involved in the writ petition in the light of the order of the learned Single Judge, and pass appropriate orders on merits and in accordance with law.

9.The writ appeal is disposed of, in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

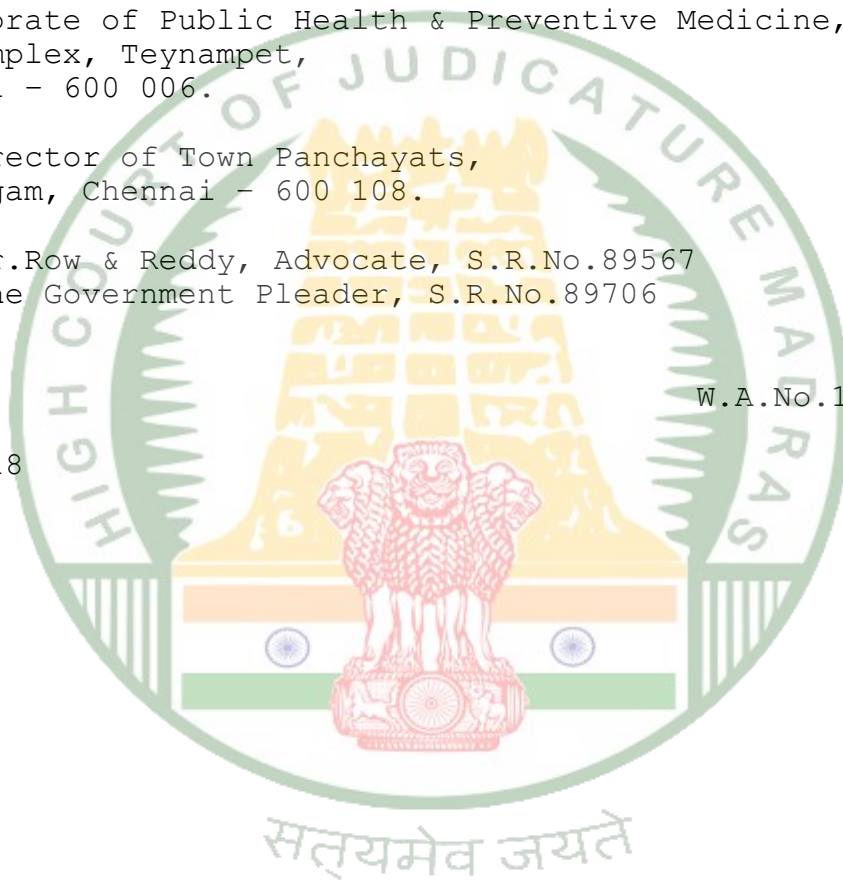
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4. The Principal Secretary,
Health and Family Welfare Department
Fort St. George, Chennai-600 009.
5. The Director,
Directorate of Public Health & Preventive Medicine,
DMS Complex, Teynampet,
Chennai - 600 006.
6. The Director of Town Panchayats,
Kuralagam, Chennai - 600 108.

+1cc to Mr.Row & Reddy, Advocate, S.R.No.89567
+1cc to the Government Pleader, S.R.No.89706

W.A.No.1490 of 2017

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