

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.4.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Writ Appeal No.437 of 2017

1. State of Tamil Nadu
rep. by its Secretary
Department of Public Health & Family Welfare
Fort St. George
Chennai 600 009.
 2. The Director of Public Health & Preventive Medicine
D.M.S. Compound
Teynampet
Chennai 600 018. ... Appellants
- Vs.
- Byju George ... Respondents

Appeal under Clause 15 of Letters Patent filed against the order of the learned single Judge dated 02.3.2016 made in W.P.No.7647 of 2016.

Which has been filed seeking to direct the respondents to appoint the petitioner to the post of Health Inspector Grade II.

For Appellants : Mr.K.Venkataramani
Addl. Advocate General - 7
Assisted by
Mr.P.S.Sivashanmugasundaram,

Spl.G.P.

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J U D G M E N T

(Delivered by Huluvadi G.Ramesh,J)

This writ appeal is directed against the order of the learned single Judge dated 02.3.2016 made in W.P.No.7647 of 2016.

2. Heard Mr.K.Venkataramani, learned Additional Advocate

General appearing for the appellants.

3. The respondent completed Sanitary Inspector Training Course in Mumbai. The certificates obtained from the Institutions outside Tamil Nadu were not recognised by the Government of Tamil Nadu. Since several representations made by the persons who completed in the Course outside Tamil Nadu, the Government constituted One Man Committee. Pursuant to the report submitted by the One Man Committee that the infrastructure facilities and the syllabus followed in the Institutions at Belgaum, Jaipur, Mumbai, Bangalore, Ongole and Trivandrum were equal to the training imparted in the Institutions in Tamil Nadu and based on the recommendation of the second appellant to grant one time relaxation to the candidates who studied outside Tamil Nadu and to appoint them as Health Inspector Grade II, the Government issued G.O.Ms.No.305 dated 22.9.2009 directing the second appellant to appoint persons who acquired qualifications from All India Local Self Government Institutions in the existing vacancies.

4. The respondent made representations to the appellants to consider him for the post of Health Inspector Grade II as per the seniority maintained by the Employment Exchange. Though he was sponsored by the Employment Exchange, his name was not considered, but his juniors were appointed. Therefore, the respondent filed the writ petition seeking to appoint him as Health Inspector Grade II.

5. The learned single Judge taking note of the similar orders passed by this Court, directed the appellants to appoint the respondent as Health Inspector Grade II, if he is otherwise qualified. Assailing the said order, the appellants have come up with this appeal.

6. Indisputably, the name of the first respondent was sponsored by the Employment Exchange to the post of Health Inspector Grade II. Though the respondent is qualified for appointment, his name was not considered, but his juniors were considered and appointed to the said post. Therefore, taking note of the similar orders passed by this Court in respect of similarly placed persons, the learned single Judge had directed to appellants to appoint the first respondent as Health Inspector Grade II, if he is otherwise qualified.

7. In our considered opinion, the order of the learned single Judge does not warrant any interference by this Court. Therefore, the order of the learned single Judge is upheld and the writ appeal is dismissed, with a direction to the appellants to comply with the order of the learned single Judge

within a period of six weeks from the date of receipt of a copy of this order. Consequently, CMP Nos.6518 & 6519 of 2017 are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl

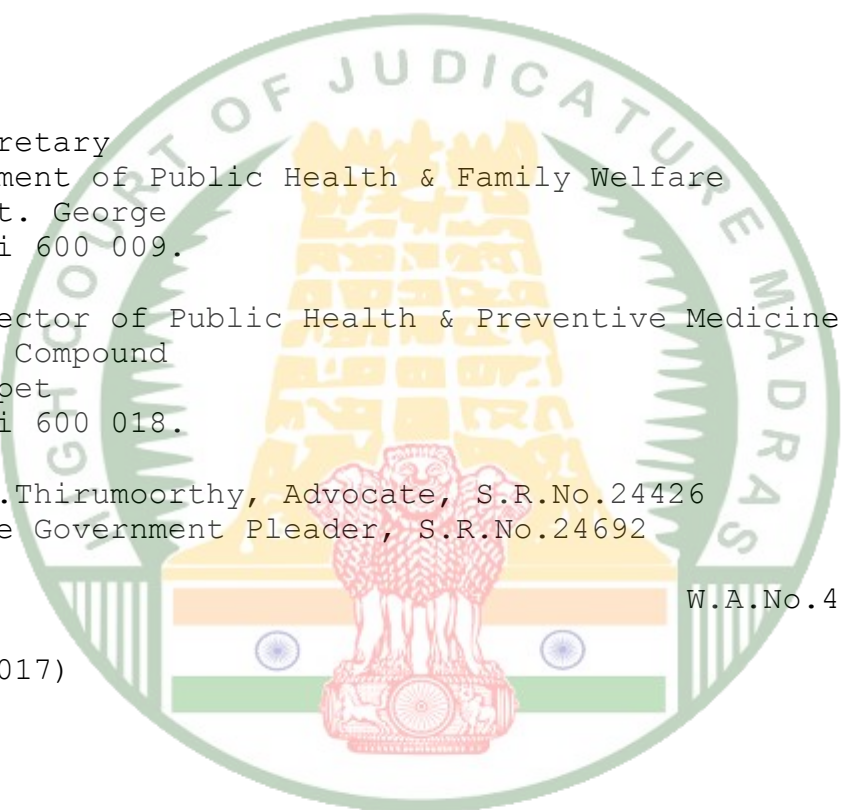
To

1. The Secretary
Department of Public Health & Family Welfare
Fort St. George
Chennai 600 009.
2. The Director of Public Health & Preventive Medicine
D.M.S. Compound
Teynampet
Chennai 600 018.

+1cc to Mr.Thirumoorthy, Advocate, S.R.No.24426
+1cc to the Government Pleader, S.R.No.24692

W.A.No.437 of 2017.

SSI(CO)
RS(02/05/2017)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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