

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10002 of 2010

And

M.P.No.2 of 2010

1.S.Sivakumar
2.T.Kannan
3.S.Ravindran
4.P.Ponmurugan
5.K.Vasudevan
6.K.R.Surendran
7.N.Thangaraj
8.M.S.Mohammed Iqbal
9.P.Elango

... Petitioners

-vs-

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.

2.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George,
Chennai-600 009.

3.The Director of Public Health and Preventive
Medicine,
(State Food Authority),
No.359, Anna Salai,
Chennai-600 006.

4.The Director of Municipal Administration,
Chepauk,
Chennai-600 005.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to issue Course Completion Certificate to the petitioners and appoint the petitioners as Food Inspectors.

For Petitioners - Mr.S.Ilamvaludhi.
For Respondents - Mrs.K.Bhuvaneswari,
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to issue Course Completion Certificate to the writ petitioners and appoint the writ petitioners as Food Safety Officers.

2. The relief, as such, sought for in this writ petition, cannot be considered at this point of time, in view of the provisions prescribed in the Food Safety and Standards Act. Section 37 of the said Act, provides Food Safety Officer. As per the said provision, the Commissioner of Food Safety shall, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, as Food Safety Officers for such local areas as he may assign to them for the purpose of performing functions under this Act and the rules and regulations made thereunder.

3. Thus, as per the qualifications prescribed under the rules, the writ petitioners have to qualify themselves for appointment. The power of appointment is empowered with the Commissioner of Food Safety and the procedure to be followed are also contemplated under the rules.

4. In this view of the matter, this Court cannot consider the writ petitioners for appointment to the post of Food Safety Officers and the said appointment is to be undertaken only in accordance with the said Act and the Rules and based on the regulations and the qualifications prescribed for the said post. Thus, no further adjudication needs to be undertaken on the grounds raised in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 2.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George,
Chennai-600 009.
- 3.The Director of Public Health and Preventive
Medicine,
(State Food Authority),
No.359, Anna Salai,
Chennai-600 006.
- 4.The Director of Municipal Administration,
Chepauk,
Chennai-600 005.

+1cc to Mr.S.ILAMVALUDHI, Advocate, S.R.No. 86645/17

+1cc to the Government Pleader, S.R.No. 87392/17

WP 10002 of 2010

TR(15/12/2017)

सत्यमेव जयते

WEB COPY