

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1581/2017

R.Gotharangan

.. Petitioner

Vs

- 1.The State of TamilNadu Rep.by its
Principal Secretary to Government
Health & Family
Welfare Department, Secretariat
Fort St George, Chennai 600 009.
 - 2.The Director of Public Health & Preventive Medicine
359, Anna Salai, DMS Compound, Teynampet
Chennai 600 006.
 - 3.The Commissioner,
Food Safety & Drug Administration Department
DMS Compound, Teynampet,
Chennai 600 006.
- .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing 2nd respondent to pass orders to issue Certificate for Food Inspector Training completed by the petitioner prior to 05.08.2011 and consequently, directing the 3rd respondent to appoint the petitioner to the post of Food Safety Officer on par with their juniors under the provisions of Food Safety and Standard Act 2006 as on 05.08.2011 with all consequential and other attendant benefits based on the Government Letter No.28698/M1/2014-2 dated 02.06.2015 and subsequent reminder in Letter No.32122/M1/2015-1 dated 05.11.2015 and further based on the representation submitted by the petitioner dated 09.10.2015 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
For R1 to R3 : Mr.R.A.S.Senthilvel, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner would state that he was appointed as Leprosy Inspector in the services of the Public Health Department on 25.05.1989 and was promoted as Health Inspector Grade I on 01.08.1997 and he would further aver that he acquired qualification of B.Sc., [Applied Chemistry] from Annamalai University through Distant Education Programme, in the year 2004 and claims to have completed Food Inspector Training in the year 2007. It is further stated by the petitioner that the 1st respondent has issued orders in G.O.Ms.215 dated 03.07.2009, declaring the qualification of B.Sc. [Applied Chemistry] obtained from Annamalai University prior to 15.02.2007, is not recognised and it was put to challenge in WP. [MD] No.12742/2009 and it was dismissed on 13.09.2010, and challenging the same, WA [MD] No.655/2010 was preferred and a Division Bench of this Court, vide Judgment dated 14.03.2013, has set aside the order dismissing the writ petition, with a further direction, directing the 1st respondent to re-consider the Government Order, more particularly, the last paragraph of G.O.[D].No.215, dated 03.07.2008, with regard to the cut-off date for considering the eligibility and pass appropriate orders. It is further averred by the petitioner that in the light of the said order, the 1st respondent, has also issued administrative instructions dated 02.06.2015 in Letter No.28698/M1/2014-2, giving following instruction:-

"[a] The Director of Public Health and Preventive Medicine is requested to issue necessary certificate for the "Food Inspector Training" to the individual who have acquired the B.Sc., Degree in Applied Chemistry before 15.02.2007 from Annamalai University and who have successfully completed their training during 2007, as the Director of Public Health and Preventive Medicine is the authority, then to issue the Certificate to them as per the rule."

3 It was also followed by yet another letter dated 05.11.2015, wherein the 2nd respondent was directed to take necessary action with regard to the issuance of necessary certificate for the Food Inspector training to the individuals who had acquired B.Sc. [Applied Chemistry] degree before 15.02.2007 from Annamalai University and who had also

successfully completed the training during the year 2007. The petitioner, in this regard, has also submitted a representation dated 09.10.2015 to the 2nd respondent, stating among other things, since he had acquired qualification during the year 2004 and also completed the Food Inspector Training during the year 2007, the above cited instructions are fully applicable to him and prays for appropriate orders and despite the receipt and acknowledgment, he is yet to be favoured with any kind of response and hence, he came forward to file the present writ petition.

4 Heard the submissions of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 3 to consider and dispose of the petitioner's representation dated 09.10.2015 on merits and in accordance with law, in the light of the letters of the 1st respondent dated 02.06.2015 and 05.11.2015 respectively and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

AP

To

- 1.The Principal Secretary to Government
State of Tamil Nadu, Health & Family
Welfare Department, Secretariat
Fort St George, Chennai 600 009.

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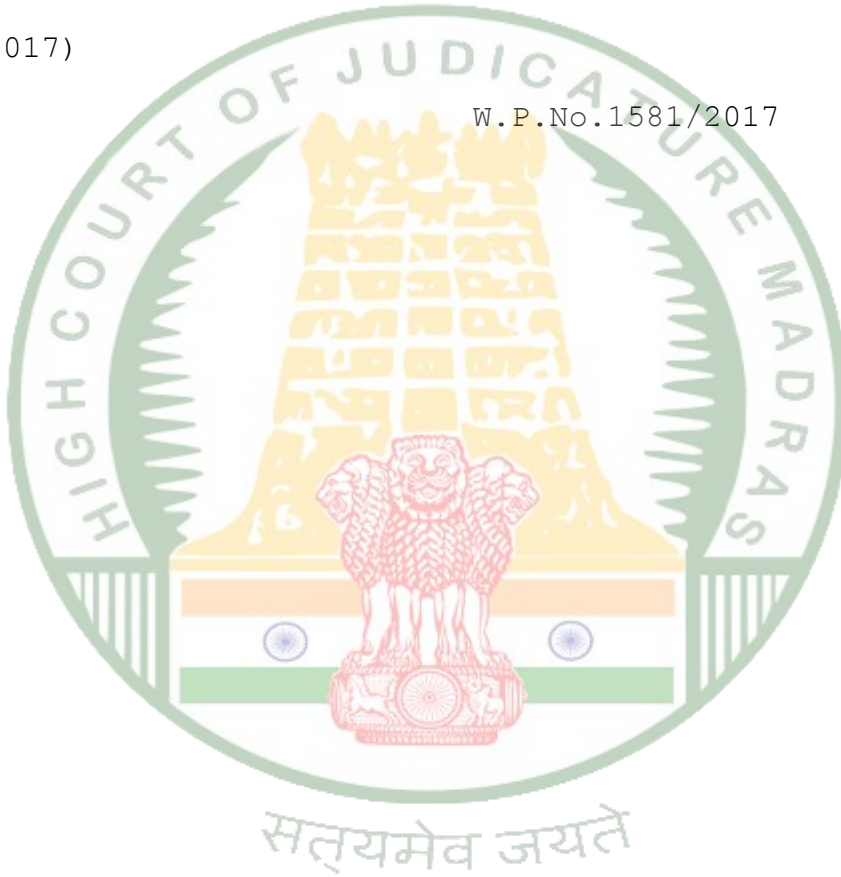
2.The Director of Public Health & Preventive Medicine
359, Anna Salai, DMS Compound, Teynampet
Chennai 600 006.

3.The Commissioner,
Food Safety & Drug Administration Department
DMS Compound, Teynampet,
Chennai 600 006.

+lcc to Mr.G. Sankaran, Advocate, S.R.No.4380

tm(CO)
md(10/02/2017)

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