

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26984 of 2014

and

M.P.Nos.1 of 2014 & 1 of 2015

K.N.Senthil Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep by its Secretary to Government,
Public Health and Family
Welfare Department,
Fort St.George, Chennai - 9.
- 2.The Director,
Public Health and Preventive Medicine,
359, Anna Salai, Chennai - 6.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai - 3.
- 4.The Commissioner of Municipal
Administration,
Ezhilagam, Chempauk, Chennai.
- 5.The Union Territory of Pondicherry
rep by its Secretary to Government,
Department of Health and
Family Welfare,
Chief Secretariat, Pondicherry. ... Respondents

(R1 - deleted as per order dated 03.03.2017 made in M.P.No.1 of 2015 in W.P.No.26984 of 2014)

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus to call for the records on the file of the 4th respondent relating to ROC No.11806/2014/J1 dated 18.08.2014 and to quash the same and consequently, direct the respondents to appoint the petitioner as a Sanitary Inspector in the existing vacancies.

For Petitioner : Mrs.Selvi George

For Respondents: Mr.K.Dhananjayan,
Special Government Pleader
(R1, R2 &R4)
Dr.M.Devendran (R3)

Mr.R.Syed Mustafa,
Special Government Pleader (R5)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner, in the affidavit filed in support of this Writ Petition, would aver other among other things that he is a native of Tamil Nadu and belongs to Hindu Panniyandi Community, which is classified as Scheduled Caste community. The petitioner joined Diploma in Health Inspector Course in R.M. (Rasool Mohamed) College of Para Medical Sciences, Pondicherry, which is a one year Diploma course and successfully completed the same during the year 2000 and he was awarded with the Diploma. The petitioner has also successfully completed B.Sc., (Chemistry) in P.S.G. College of Arts and Science, Coimbatore, which is affiliated to Bharathiyar University. The petitioner also registered his qualifications with the jurisdictional Employment Exchange and the 4th respondent had called for list of candidates from the Employment Exchange and his name was also sponsored. It is the claim of the petitioner that the syllabus/curriculum based on which classes are conducted in R.M. (Rasool Mohamed) College of Para Medical Sciences, Pondicherry, is equivalent to the subjects prescribed and being taught in similar kind of Institutes located in the State of Tamil Nadu. The claim made by the petitioner for appointment as Sanitary Inspector was not considered and in this regard, the petitioner has submitted a representation dated 03.09.2011 to the 4th respondent, who, vide impugned order dated 18.08.2014, has rejected the same on the ground that as per relaxation issued in G.O.Ms.No.310, Municipal and Water Supply Department dated 22.07.2008 covers 57 Tamil Nadu candidates, who completed Diploma from Pondicherry Community College affiliated to Pondicherry University and not from R.M. (Rasool Mohamed) College of Para Medical Sciences, Pondicherry, from which the petitioner had secured the Diploma and further observed that the petitioner is not qualified according to the service rules mentioned above and therefore, rejected the claim.

3.The learned counsel appearing for the petitioner would submit that the 5th respondent has filed a counter and took a stand that R.M. (Rasool Mohamed) College of Para Medical Sciences, Pondicherry was issued with a No Objection Certificate to start various Degrees and Diploma and

Certificate Courses, including Certificate Course in Health Inspector, vide letter dated 27.03.1998 bearing No.131/97/Health/H4 and subsequent to that the College was taken over by the Thirumuruga Kirupananda Variar Thavathiru Sundara Swamigal Medical Educational and Charitable Trust during the year 2002 and continues to offer Health Inspector Course and certificates are also issued to the successful candidates by the Board of Medical Education, Government of Puducherry and in the light of the said stand, there cannot be any impediment on the part of the respondents to consider the petitioner's claim to appoint him as Sanitary Inspector and prays for appropriate orders.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1, 2 & 4 would submit that since the claim of the petitioner has been considered in detail and since the concerned Institute, from which the petitioner has got the Diploma, is not a recognized one, his claim came to be rightly rejected and hence prays for dismissal of the Writ Petition.

5. This Court heard the rival submissions and also perused the records placed before it.

6. It is relevant to extract certain portions of the counter affidavit filed by the 5th respondent as under:

"....

3.I humbly submits that the Government of Puducherry vide letter dated No.131/97/Health/H4, dated 27.03.1998 of the Under Secretary to Govt. (Health), Puducherry had issued No Objection to R.M. College of Para-Medical Sciences, Puducherry to establish and for offering various Degree, Diploma and Certificate Courses including "Certificate in Health Inspector Course.

4.I humbly submits that the Board of Medical Education, Government of Puducherry had conducted examination for the Certificate in Health Inspector Course run by the R.M. College of Para-Medical Sciences, Puducherry and successful candidates were offered certificates. The certificate issued by the Board of Medical Education are being considered for appointment in the Department of Health and Family Welfare Services, Puducherry.

5.I humbly submits that the R.M. College of Para-Medical Sciences, Puducherry was taken over by the Thirumuruga Kirupananda Variar Thavathiru Sundara Swamigal Medical Educational and Charitable Trust in the year 2002 and offering the Health Inspector Course and the certificates to the successful candidates are being issued by the Board of Medical Education, Government of Puducherry."

7.In the light of the stand taken by the 5th respondent, this Court is of the view that R.M. (Rasool Mohamed) College of Para Medical Sciences, Puducherry has been recognised and approved by the Government of Puducherry and the certificate in Health Inspectors Course awarded by them are also being considered in the Department of Health and Family Welfare, Puducherry.

8.In the light of the said stand taken by the 5th respondent, this Court is of the considered opinion that the impugned order warrants interference. In the result, the Writ Petition is partly allowed and the impugned order of the 4th respondent relating to ROC No.11806/2014/J1 dated 18.08.2014 is set aside. The 4th respondent is directed to consider the claim of the petitioner for appointment to the post of Sanitary Inspector, subject to the fulfillment of other qualifications/criteria and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

va
To

- 1.The Director,
Public Health and Preventive Medicine,
359, Anna Salai, Chennai - 6.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
Fraxer Bridge Road, Chennai - 3.
- 3.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai.
- 4.The Secretary to Government,
Union Territory of Pondicherry,
Department of Health and Family Welfare,
Chief Secretariat, Pondicherry.

+1cc to Mr.Dr.M. Devendran, Advocate, S.R.No.14544
+1cc to Mrs. Selvi George, Advocate, S.R.No.14133
+1cc to the Government Pleader, S.R.No.14477
+ 1 cc to Government Pleader Sr.14237 Puducherry

BR(CO)
EU 23.3.17

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