

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 06.02.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.2839 of 2017

and W.M.P.No.2769 of 2017

V.Krishnamoorthy ... Petitioner

-Vs-

1. Government of Tamil Nadu,
represented by Principal Secretary to Government,
Department of Health and Family Welfare,
Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,
Chennai - 600 006.
3. The District Collector,
Namakkal District (Town Panchayat Wing),
Namakkal.
4. The Director of Town Panchayats,
Chennai - 600 108. ... Respondents.

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent relating to order in Na.Ka.No.3741/2016/Pe.3 dated 07.12.2016 to quash the same and to direct the respondents to pass appropriate orders enabling the appointment of the petitioner as Sanitary Inspector in anyone of the existing or next arising vacancies in Namakkal District Town Panchayats.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. Learned counsel for the petitioner, on instruction, would submit that though the challenge has been made to the order of rejection dated 07.12.2016 passed by the 3rd respondent, it is suffice to direct the first respondent to consider and dispose of the petitioner's representation/appeal memorandum dated 21.12.2016 on merits and in accordance with law within the stipulated time.

3. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

4. The petitioner was initially appointed as Sanitary Supervisor in Srirapalli Town Panchayat in Namakkal District and was transferred to Velur Town Panchayat, Paramathivelur Taluk, on 28.02.2002 and was continuously serving in that capacity. The petitioner would aver that the qualification prescribed for Sanitary Inspector, apart from a pass in S.S.L.C., is a certificate for having undergone the Sanitary Inspector Course granted by the Director of Public Health and Preventive Medicine or by any other University approved by the Government of Tamil Nadu. Very many representations have been submitted by various unemployed candidates who possess Diploma in Sanitation Course obtained from community of Pondicherry University and a decision has been taken to accept the request made by 57 candidates and Rules were relaxed in their favour so as to enable them to get appointment as Health Inspector Grade-II vide G.O.Ms.No.339 Health and Family Welfare Department of the 1st respondent dated 17.09.2007. The petitioner had applied for leave and joined the Diploma Course for Sanitary Inspectors in Pondicherry University Community College and after getting permission, he successfully completed the said Course on 31.03.2015. The petitioner, after successfully completing the said Diploma had also submitted a representation to the Collector, Namakkal District, to consider his claim for the post of Sanitary Inspector in the existing vacancies. The said representation was not given disposal. Hence, he filed a writ petition in W.P.No.7561 of 2016 praying for appropriate direction to promote to the post of Sanitary Inspector. This Court, by a final order dated 20.09.2016 has permitted the petitioner to submit a fresh representation to the District Collector, Namakkal District, and directed the District Collector, Namakkal District to consider and dispose of the same in accordance with law at an early date. According, the said

Collector has passed the impugned order dated 07.12.2016 rejecting the request of the petitioner. The petitioner, aggrieved by the same has also filed an appeal/representation dated 21.12.2016 to the 1st respondent. Since the orders are yet to be passed, he came forward to file this writ petition.

5. Learned counsel for the petitioner would submit that in similar facts and circumstances, 57 candidates have been given accommodation by relaxing the Rules vide G.O.Ms.No.339 of the 1st respondent dated 17.09.2007. Since the petitioner is similarly placed, he is also entitled to the same benefits. Therefore, prays for appropriate orders.

6. This Court, heard the submission of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

7. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's appeal memorandum/ representation dated 21.12.2016, on merits and in accordance with law, after taking note of G.O.Ms.No.339, Health and Family Welfare Department, dated 07.12.2016 as well as G.O.(10 years) No.310 dated 22.07.2008 passed by the Municipal Administration and Water Supply (Na.Pa.) Department and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
Department of Health and Family Welfare,
Chennai - 600 009.

2. The Director of Public Health and Preventive Medicine,
Chennai - 600 006.

3. The District Collector,
Namakkal District (Town Panchayat Wing),
Namakkal.

4. The Director of Town Panchayats,
Chennai - 600 108.

+1cc to M/S.M.Ravi, Advocate Sr.7866

+1cc to the Government Pleader Sr.7816

Writ Petition No.2839 of 2017

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