

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-07-2017

CORAM:

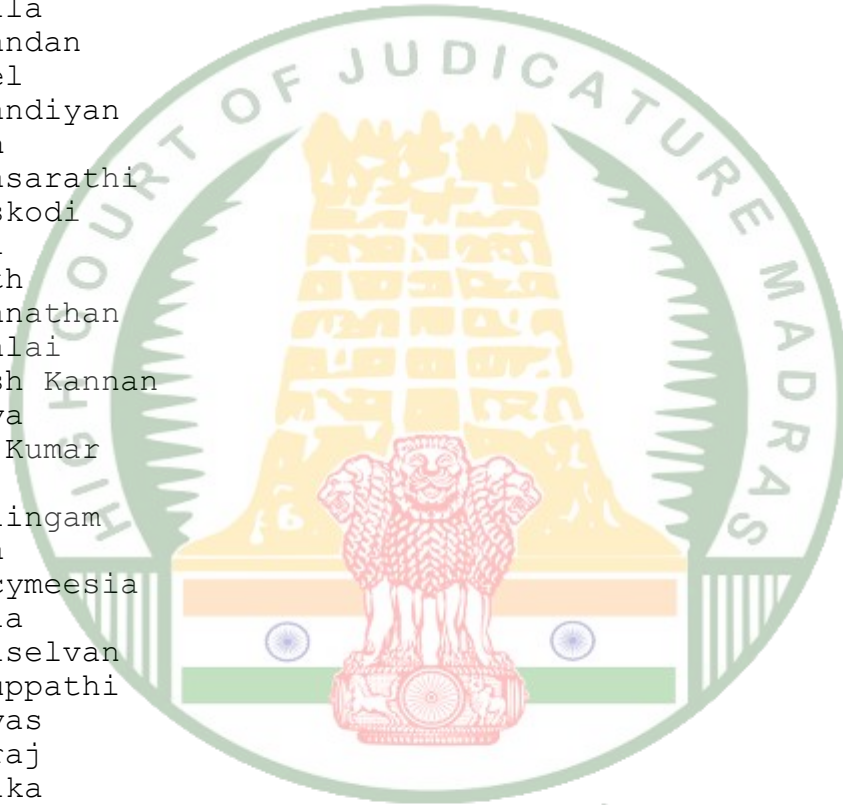
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.2115 of 2015

And

WMP Nos.1842, 1843, 38449 of 2016 and 4687 of 2017

- 1.J.Sharmila
- 2.M.Manigandan
- 3.P.Vadivel
- 4.R.Rajapandiyan
- 5.S.Vinoth
- 6.K.Parthasarathi
- 7.B.Thanuskodi
- 8.B.Ramani
- 9.R.Prasath
- 10.A.Jeeganathan
- 11.M.Poomalai
- 12.T.Rajesh Kannan
- 13.A.Nithya
- 14.M.Prem Kumar
- 15.R.Mani
- 16.G.Rajalingam
- 17.J.Divya
- 18.S.Princymeesia
- 19.M.Vimala
- 20.S.Kalaiselvan
- 21.M.Thiruppathi
- 22.S.Indiyas
- 23.A.Yuvaraj
- 24.C.Deepika
- 25.V.Viswanathan
- 26.R.Palkunavijayasundhari
- 27.R.Selvakumar
- 28.G.Gomathi
- 29.B.Azhagudhivya
- 30.K.Gayathri
- 31.Y.Manjith
- 32.M.Janani
- 33.R.Aruchamy
- 34.D.Pragadeshwaran
- 35.D.Tamilmozhi
- 36.P.Thilagaraj
- 37.R.Arunkumar
- 38.C.Suresh
- 39.B.Easwaran



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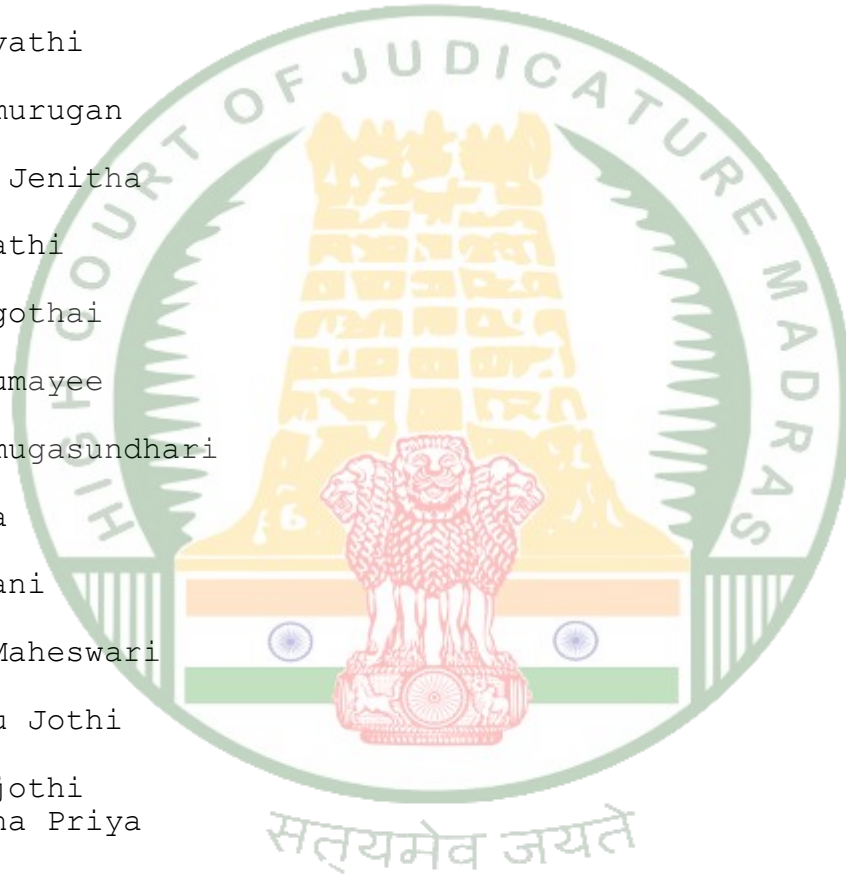
40.R.Karthick
41.S.Jayaseelan

.. Petitioners

vs.

- 1.The Commissioner
Chennai Municipal Corporation,
Rippon Buildings
Chennai-600 003.
- 2.The Commissioner/Director of Municipal
Administration,
Chepauk,
Chennai-600 005.
- 3.The Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai-600 009.
- 4.The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 5.The Director,
Directorate of Public Health and
Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-600 006.
- 6.The Director of Town Panchayats,
Kuralagam,
Chennai-600 108.
- 7.Madurai Kamaraj University,
Represented by the Registrar,
Palkalai Nagar,
Madurai-625 021.
- 8.WASH Institute,
Represented by the Treasurer,
Katiranampatti Pirivu,
Reddiar Chatram,
Dindigul.
- 9.P.Selvamurugan
- 10.L.Joseph Christopher

- 11.B.Venkatsurya
- 12.P.Ramachandran
- 13.A.Venkatesan
- 14.T.Balasubramaniyan
- 15.M.Kandasamy
- 16.E.Naveenkumar
- 17.R.Bagavathi
- 18.V.Balamurugan
- 19.S.Regii Jenitha
- 20.S.Bharathi
- 21.M.Poongothai
- 22.P.Thirumayee
- 23.J.Shanmugasundhari
- 24.K.Ramya
- 25.M.Dharani
- 26.G.Uma Maheswari
- 27.P.Alagu Jothi
- 28.S.Nagajothi
- 29.M.Mohana Priya
- 30.P.Siva Shanmugapriya
- 31.N.Murugeshwari
- 32.T.Uma Maheswari
- 33.V.Geetha
- 34.N.Sangeetha
- 35.B.N.Meena
- 36.M.Ramkumar



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37.M.Balavelayutham

38.A.Vinoth Antony

39.R.Nagaraj

40.P.Prasanth

41.A.Jeyakumar

42.G.Pandian

43.B.Pavithran

44.G.Muthuraja

45.M.Prasanthkumar

46.K.Sadam Hussain

47.S.Anthony Philip

48.R.Eswaran

49.T.Manikandan

50.A.Parthiban

51.R.Rajavel

52.K.Tamilselvan

53.G.Veeraparthiran

54.A.Appuraja

55.P.Nagarajan

56.R.Ranjith

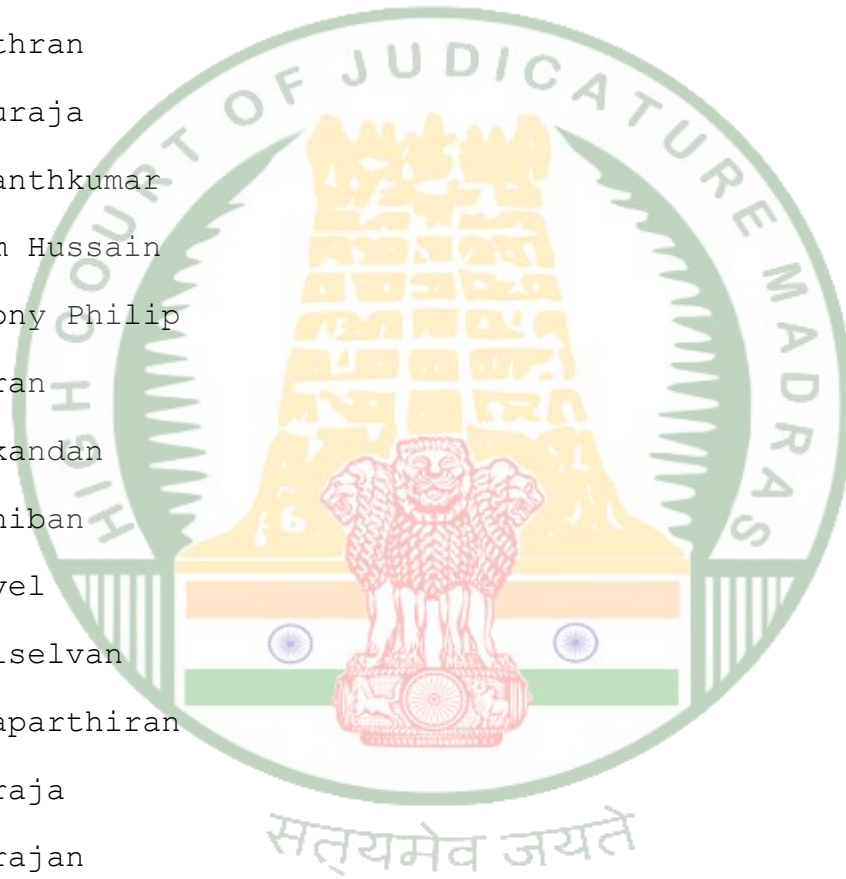
57.M.Ramanathan

58.B.Sanjeevi

59.R.Chitra Mayil

60.R.Rajkumar

61.M.P.Gopinath



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62.P.Nagarajan

63.T.Sundaramoorthy

(R-9 to R-63 impleaded as per order
of Court dated 19.7.2017 in
WMP Nos.23650 of 2016 and
15611 of 2017 in WP 2115 of 2016)

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Declaration declaring that the PG Diploma in Environmental Science offered by Madurai Kamaraj University through the WASH Institute is equivalent to PG Diploma in Sanitary Inspectors Course conducted by Government and institutions recognised by Government as prescribed in the Chennai Corporation Health, Malaria and Family Welfare Department Subordinate Services By-laws, 2009, and consequently direct the respondents 1 to 6 to consider and appoint the petitioners herein to the post of Sanitary Inspectors with the Corporation of Chennai pursuant Notification No.001 dated 13.12.2015 of the Corporation of Chennai.

For Petitioner : Dr.V.Suresh

For Respondent-1 : Mr.G.Anantha Rangan

For Respondents-2 to 6 : Mr.S.Gunasekaran,
Additional Government Pleader.

For Respondent-7 : Ms.H.Mary Sowmi Rexi for
M/s.Isaac Chambers.

For Respondents-9 to 60: Mr.S.Ilamvaludhi

For Respondents-61 to63: Mr.K.Srinivasamurthy

सत्यमेव जयते

O R D E R

The relief sought for in this writ petition is for a direction to declare the PG Diploma in Environmental Science offered by Madurai Kamaraj University through the WASH Institute is equivalent to PG Diploma in Sanitary Inspectors Course conducted by Government and institutions recognised by Government as prescribed in the Chennai Corporation Health, Malaria and Family Welfare Department Subordinate Services By-laws, 2009 and consequently direct the respondents 1 to 6 to consider and appoint the petitioners herein to the post of Sanitary Inspectors with the Corporation of Chennai pursuant to

Notification No.001 dated 13.12.2015 of the Corporation of Chennai.

2. The learned counsel appearing for the writ petitioner, even during the commencement of his arguments on merits, brought to the notice of this Court that the grievances of the writ petitioners were taken to the notice of the Government and the Government passed an order in G.O.Ms.No.107, Health and Family Welfare (N1) Department, dated 13.4.2017 and the Government, while considering the issue of equivalence in respect of the Courses offered by the Private Institutions/Universities/Deemed Universities, passed the following orders in paragraphs 3 and 4, which reads as under:-

"3. In the letter 3rd read above, the Director of Public Health and Preventive Medicine has stated that as per the provisions under Public Health Act, Director of Public Health and Preventive Medicine is the authority/Chairman, Board of Examinations for Multi Purpose Health Worker (Male) / Health Inspector / Sanitary Inspector course and the Committee Members have suggested the Director of Public Health and Preventive Medicine to finalise the syllabus and to conduct Examinations for the above courses conducted by Private Organisations / Trust / Universities/Deemed Universities and requested to issue orders for the following:

(i) To approve the draft guidelines and syllabus of the abovesaid course;

(ii) Procedural requirement for applying the abovesaid course conducted by private institutions including Gandhigram Rural Institute, and

(iii) To conduct the above examinations as Chairman, Board of Examinations.

4. The Government after careful consideration, accept the proposal of the Director of Public Health and Preventive Medicine and accordingly the Government hereby authorise the Director of Public Health and Preventive Medicine to:

(i) approve the new guidelines and syllabus of the Multi Purpose Health Worker (Male)/Health Inspector/Sanitary Inspector course offered by Private

Institution/Trust/Universities/Deemed Universities.

(ii) adopt the new procedural requirement if any for applying the abovesaid course conducted by Private Institutions/Trust/Universities/Deemed Universities including Gandhigram Rural Institute; and

(iii) to conduct the above examinations as Chairman, Board of Examinations for the courses conducted by the above institutions."

3. Pursuant to the above Government Order, the Director of Public Health and Preventive Medicine, issued a letter to the Director, Water, Sanitation and Hygiene (WASH) Institute (R-8), in proceedings dated 7.6.2017, reads as under:

"1. approve the new guidelines and syllabus of the MPH(Male)/Health Inspector/Sanitary Inspector Course offered by Private Institution/Trust/Universities/Deemed Universities.

2. adopt the new procedural requirement if any for applying the abovesaid course conducted by Private Institutions/Trust/Universities/Deemed Universities including Gandhigram Rural Institute; and

3. to conduct the above examinations as Chairman, Board of Examinations for the courses conducted by the above institutions."

4. Since the Government has taken note of the grievances and taken appropriate steps to consider the issues on merits and in accordance with law, it is fair to allow the authorities to take a decision in this regard by issuing comprehensive orders in respect of the grievances set out in this writ petition.

5. At this point of time, the learned counsel appearing for the respondent contended that the impleaded respondents are fully qualified for their appointment to the post of Sanitary Inspectors and the petitioners' eligibility for appointment is in question. Further they brought to the notice of this Court that the candidates have participated in the written examination and waiting for their results.

6. In view of the interim order granted in this writ petition, results are unable to be published. May that it be, this Court is not inclined to consider the issues involved in this writ petition, in view of the fact that the Government has already undertaken the work of deciding the eligibility, equivalence and other criteria.

7. In this view of the matter, this Court is of the opinion that the Competent Authorities shall take appropriate steps to consider all the issues in the light of G.O.Ms.No.107, Health and Family Welfare (N1) Department, dated 13.4.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity to all concerned and the writ petitioners are at liberty to submit their representations in this regard to the Competent Authorities, explaining their grievances for redressal.

8. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Commissioner

Chennai Municipal Corporation,
Rippon Buildings
Chennai-600 003.

2.The Commissioner/Director of Municipal

Administration,
Chepauk,
Chennai-600 005.

3.The Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai-600 009.

4.The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.

5.The Director,
Directorate of Public Health and
Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-600 006.

6.The Director of Town Panchayats,
Kuralagam,
Chennai-600 108.

7.Madurai Kamaraj University,
Represented by the Registrar,
Palkalai Nagar,
Madurai-625 021.

+1 cc to M/s.G.Anantharangan Advocate sr 50596
+1 cc to M/s.Row and Reddy Advocate sr 50698
+1 cc to M/s.Isaac Chambers Advocate sr 50872
+1 cc to the Government Pleader High Court Madras
sr 50946
+1 cc to M/s.D.Nagasaila Advocate sr 51431

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WP No.2115 of 2016

gp(co)
aa01/08/2017

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