

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2018

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.1606 of 2014

and M.P.No.1 of 2014

1.The State of Tamil Nadu rep by
the Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai 9.

2.The Director
Public Health & Preventive Medicine
Chennai 6.

3.The Principal Secretary
Municipal Administration &
Water Supply Department
Secretariat, Chennai 9.

4.The Commissioner
Municipal Administration &
Water Supply Department
Chepauk, Chennai 5.

.. Appellants

Vs.

1.The Unemployed Sanitary and
Health Inspectors Trained Graduates
Welfare Association
Regn.No.95/12
Rep. by the Secretary S.Gopinath
No.92/A, Mariammal Koil Street
Acharampattu, Irumbai Post
Vanoor Taluk, Villupuram District 605 111.

2.G.Ravi

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 12.11.2013 made in W.P.No.25673 of 2013 on the file of this Court.

WP.No.25673/2013:This writ petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondents to consider the members of the petitioner Association and 2nd petitioner for appointment to the post of Health Inspector Grade II and Sanitary Inspector in Govt. of Tamilnadu for the existing and immediate future vacancies in the

post of Health Inspector Grade II and Sanitary Inspector who are in possession of the Diploma in Sanitation Course awarded by the Pondicherry University Community College on various dates in the light of G.O.Ms. NO.305 Public Health and Family Welfare dated 22.9.09 and G.O.(D) NO.310 Municipal Administration and Water Supply Department dated 22.7.08 and also the recommendation of the Director of Public Health and Preventive Medicine Dept. in R.No.105599./Trg/S4/2012 dt.19.11.2012.

For Appellants : Mrs.A.Sri Jayanthi
Special Government Pleader

For Respondents : Mr.G.K.Ilanthiraiyan

J U D G M E N T
[Judgment of the Court was delivered by K.K.SASIDHARAN,
J.]

The writ petition in W.P.No.25673 of 2013 was filed by the respondents for a direction to the appellants to consider the members of the Association for appointment to the post of Health Inspector Grade-II and Sanitary Inspector in the Government service in the State of Tamil Nadu on the basis of the Diploma obtained from the Pondicherry University in Sanitary course. The learned Single Judge taking into account the two Government Orders in G.O.Ms.No.305, Public Health and Family Welfare (N1) Department, dated 22 September, 2009 and G.O.(D)No.310, Municipal Administration and Water Supply Department, dated 22 July 2008, issued a positive direction to the appellants. Feeling aggrieved, the appellants have come up with this intra court appeal.

2. We have heard the learned Special Government Pleader on behalf of the appellants. We have also heard the learned counsel for the respondents.

3. The Pondicherry University has been conducting a Sanitary Inspector Course leading to the Diploma in Sanitation. The said course is not recognised in the State of Tamil Nadu. The Government, therefore, denied appointment to those who got the Diploma from Pondicherry. The cases of such candidates were considered earlier and orders were issued giving them relaxation. The Government appears to have treated the Diploma in Sanitary Course obtained from the University of Pondicherry as equivalent to the Diploma obtained from the State of Tamil Nadu. The name of the post was subsequently changed as "Multi purpose Health Worker". Since the members of the first respondent Association are not in possession of the required qualification for appointment to the said post, representation

was submitted to the Government to treat the Diploma in Sanitation Course awarded by the Pondicherry University as an equivalent qualification. The request was not favourably considered by the Government resulting in filing the writ petition. The learned Single Judge considered the earlier Government Orders and granted a similar relief to the members of the first respondent Association.

4. There is no question of issuing a Mandamus in a matter of this nature. The Government must be in a position to consider the qualification obtained by the members of the first respondent Association before taking a decision to treat such qualification as equivalent for appointment to the post of Multi purpose Health Worker. The Government has also to consider the duration of course, the syllabus and all other relevant factors before taking a decision as to whether the Diploma in Sanitation awarded by the Pondicherry University is equivalent to the qualification prescribed for appointment to the post of Multi purpose Health Worker. Since such an exercise was not conducted by the learned single Judge, we are constrained to set aside the order impugned in this appeal.

5. We set aside the direction given by the learned single Judge in the order dated 12 November, 2013 in W.P.No.25673 of 2013. We give liberty to the first respondent or its members to submit a comprehensive representation to the first appellant. In case any such representation is given, the same shall be considered and disposed of on merits and as per law. The first appellant must also consider the earlier orders issued by the Government giving concession to the candidates who hails from Tamil Nadu and obtained the Diploma from Pondicherry.

The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

gms
To

1.The Secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
Secretariat, Chennai 9.

2.The Director
Public Health & Preventive Medicine
Chennai 6.

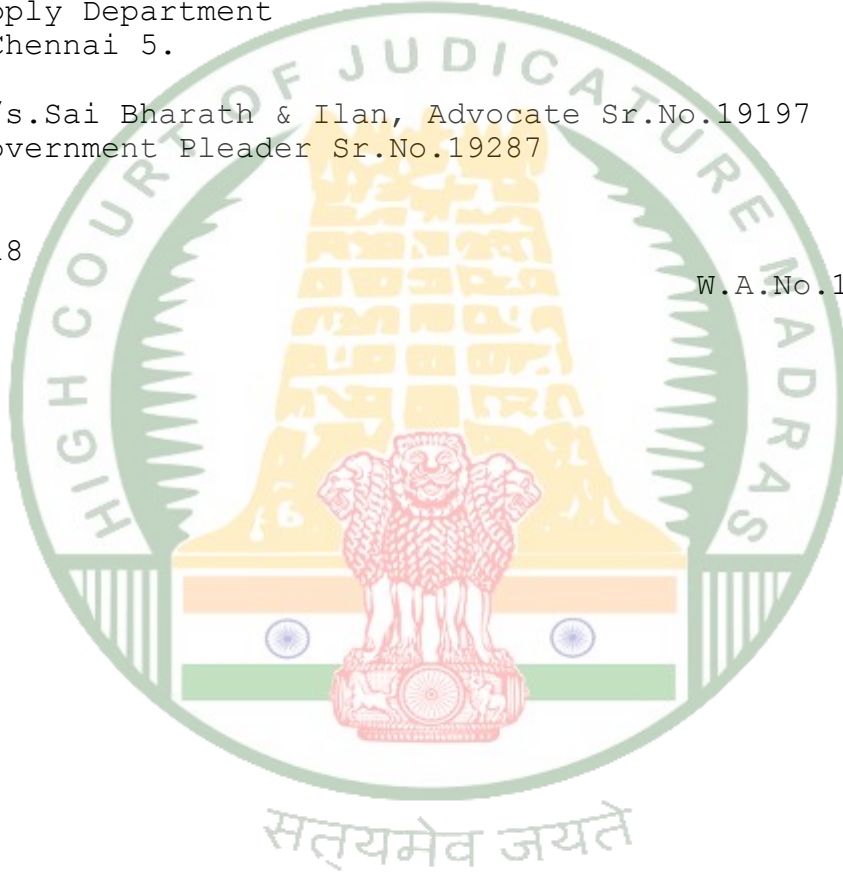
3.The Principal Secretary
Municipal Administration &
Water Supply Department
Secretariat, Chennai 9.

4.The Commissioner
Municipal Administration &
Water Supply Department
Chepauk, Chennai 5.

+1cc to M/s.Sai Bharath & Ilan, Advocate Sr.No.19197
+1cc to Government Pleader Sr.No.19287

KJ(CO)
sm:3.4.2018

W.A.No.1606 of 2014



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