

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.A.Nos.1821 to 1823 of 2019
and W.A.No.2352 of 2019
and

C.M.P.Nos.12368, 12371,12372, 12373,
12375, 12376 and 12383 of 2019

W.A.No.1821 of 2019:

1 G. Rajalingam
2 P. Vadivel
3 S. Vinoth
4 C.Suresh
5 R.Aruchamy
6 A.David Xavier
7 Y.Manjithkumar
8 R.Arunkumar
9 K.Arun Magesh
10 T.Rajesh Kannan
11 K.Parthasarathi
12 A.Nithya
13 R.Karthick
14 B.Eswaran
15 P.Thilagaraj
16 R.Selvakumar
17 D.Pragatheswaran
18 K.Gayathri
19 M.Janani
20 P.Alaguraja
21 M.Parasuraman
22 K.Prakash
23 B.Ramani
24 R.Rajkumar
25 G.Gomathi
26 R.Mani
27 S Monica Salomi
28 M. Premkumar
29 A. Jeganathan
30 R. Rajapandian
31 J. Sharmila
32 M.Manigandan

33 P. Aravindahan
34 V. Dhamotharan
35 S.Sanjay
36 M. Sivaranjani
37 S. Anupriya
38 P. Chandrasekaran ... Appellants/Petitioners

Vs

1 The Commissioner/Director of Municipal Administration,
Chepauk,
Chennai-600 005.

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

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

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

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

6 Madurai Kamaraj University
rep. by the Registrar,
Palkalai Nagar,
Madurai-625 021.

7 WASH Institute,
rep. by the Treasurer,
Katiranampatti Pirivu,
Reddiar Chatram,
Dindigul.

8 K.Natrayan
9 M.Balaji
10 S.Balaji
11 R.Raja
12 K.Pratheesh Kumar
13 R.Sentrayan
14 S.Karthick Raja

15 N. Seetha
16 J. Gopinath
17 V. Sabariswaran
18 K. Rajeshwari
19 K. Eswaran
20 R.Sharmila
21 S.Praveen
22 B.Suresh
23 S.Prithiviraj
24 G.R.Vijayalakshmi
25 M.Vijaya Kumar
26 P.Vel Murughan
27 R.Manikandan
28 R.Prasath
29 The Registrar,
Gandhigram Rural Institute,
(Deemed to be University),
Gandhigram - 624 302. ... Respondents/Respondents

W.A.No.1822 of 2019:

1 C. Suresh
2 S. Saranya
3 M. Priyanka
4 S. Nandhini
5 A. Beubamargreat
6 R.Poonj Selvi
7 M. Kaviya
8 S. Sridevi
9 N. Meenachi Sundar
10 K. Priyadharshini
11 K. Shoba
12 P. Vinothini
13 P. Abirami
14 M. Thenmozhi
15 T. Dhivya
16 A. Yuvaraja
17 M. Vimala
18 M. Thiruppathi
19 T. Mariyal Kiragory
20 M. Poomalai ...Appellants/Respondents 1 to 20
in W.M.P.No.8264/2018

Vs.

1 The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

- 2 The Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 600 009.
- 3 The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 4 The Director,
Directorate of Public Health & Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-600 006.
- 5 The Director of Town Panchayats,
Kuralagam,
Chennai-600 108.
- 6 Madurai Kamaraj University
rep. by the Registrar,
Palkalai Nagar,
Madurai-625 021.
- 7 WASH Institute,
rep. by the Treasurer,
Katiranampatti Pirivu,
Reddiar Chatram,
Dindigul. ...Respondents 1 to 5/Respondents 21
to 27 in W.M.P.No.8264 of 2018.
- 8 K.Natrayan
- 9 M.Balaji
- 10 Karthick Raja ...Respondents 8 to 10/Petitioners
1 to 3 in W.M.P.No.8264 of 2018

W.A.No.1823 of 2019:

- 1 C. Suresh
- 2 M. Priyanka
- 3 A. David Xavier
- 4 K. Prakash
- 5 P. Vadivel
- 6 S. Vinoth
- 7 M. Thiruppathi
- ...Appellants/Petitioners
- Vs.

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

W.A.No.2352 of 2019:

WASH Institute
rep. by its Treasurer,
A. Lawrence (M/50 years),
S/O. Sinnappan Arumainathan,
No.1/20, Kathiranampatti Pirivu,

Palani Road,
Reddiar Chatthiram,
Dindigul District - 624 622.

...Appellant/7th Respondent

Vs.

- 1 The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.
2. The Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 600 009.
- 3 The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
4. The Director,
Directorate of Public Health & Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-600 006.
- 5 The Director of Town Panchayats,
Kuralagam,
Chennai - 600 108.
- 6 Madurai Kamaraj University
rep. by the Registrar,
Palkalai Nagar,
Madurai-625 021.
- 7 K. Natrayan
- 8 M. Balaji
- 9 S.Balaji
- 10 R.Raja
- 11 K.Pratheesh Kumar
- 12 R.Sentrayan
- 13 S.Karthick Raja
- 14 N. Seetha
- 15 J. Gopinath
- 16 V.Sabariswaran
- 17 K. Rajeshwari
- 18 K. Eswaran
- 19 R. Sharmila
- 20 S. Praveen
- 21 B.Suresh

22 S. Prithiviraj
23 G.R. Vijayalakshmi
24 M. Vijaya Kumar
25 P. Vel Murugan
26 R. Manikandan
27 R. Prasad
28 The Registrar,
Gandhigram Rural Institute,
(Deemed to be University),
Gandhigram - 624 302,
Dindigul District.

...Respondents/Respondents

29 G. Rajalingam
30 P. Vadivel
31 S. Vinoth
32 C. Suresh
33 R. Aruchamy
34 A David Xavier
35 Y. Manjithkumar
36 R. Arunkumar
37 K. Arun Magesh
38 T. Rajesh Kannan
39 K. Parthasarathi
40 A. Nithya
41 R. Karthick
42 B. Eswaran
43 P. Thilagaraj
44 R. Selvakumar
45 D. Pragatheswaran
46 K. Gayathri
47 M. Janani
48 P. Alaguraja
49 M. Parasuraman
50 K. Prakash
51 B. Ramani
52 R. Rajkumar
53 G. Gomathi
54 R. Mani
55 S. Monica Salomi
56 M. Premkumar
57 A. Jegnathan
58 R. Rajapandian
59 J. Sharmila
60 M. Manigandan
61 P. Aravindahan
63 V. Dhamotharan
64 S. Sanjay
64 M. Sivaranjani
65 S. Anupriya
66 P. Chandrasekaran

...Respondents/Petitioners 29 to 66

Writ Appeals filed under Clause 15 of Letters Patent against the Common Order dated 25.04.2019 passed by the Hon'ble Mr. Justice S.M. Subramaniam in W.M.P.Nos. 7255/2018, 8264/2018, 7515 /2019 and 1448 of 2018 in W.P.Nos. 1162 and 2467 of 2018, 6704 of 2019 and 1162 of 2018 respectively.

WMP No. 1448 of 2018

To issue an interim injunction restraining the respondents 1 to 5 from finalising and publishing the list of selected candidates for the post of Sanitary Inspector pursuant to Notification No. 17624/ 2017/J1 issued by the Commissioner of Municipal Administration published on 30.12.2017 in Dina Thanthi pending final disposal of the W.P.Nos. 1162/2015.

WMP No. 7255 of 2018

To vacate the interim order dated 19.1.2018 passed in WP No. 1162 of 2018 and WMP Nos. 1448 and 1449 of 2018.

WMP No. 8264 of 2018

To Vacate the Interim Order dated 07.02.2018 passed in WP No. 2467 of 2018 and WMP No. 3007 to 3010 of 2018.

WMP No. 7515 of 2019

To stay the operation of Letter No. 20490/MC3/2017-3 dated 04.09.2018 issued by the 1st respondent r/w Letter ROC No. 17624/2017/J1 dated 12.09.2018 issued by the 3rd respondent r/w Letter No. PHDC No. C2/5107/2018 dated 20.09.2018 issued by the 5th respondent pending final disposal of the W.P.Nos. 6704/2019.

WP No. 1162 of 2018

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus calling for the records and quash Notification No. 17624/ 2017/J1 issued by the Commissioner of Municipal Administration to the extent that the PG Diploma in Environmental Sanitation Science issued by Madurai Kamaraj University is excluded as a qualification and consequently direct the respondents 1 to 5 to accept the applications, consider and appoint the petitioners to the post of Sanitary Inspector pursuant to Notification No. 17624/ 2017/J1 issued by the Commissioner of Municipal Administration published on 30.12.2017 in Dina Thanthi.

WP No. 2467 of 2018

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records and quash Notification No. 17624/2017 /J1 issued by the Commissioner of Municipal Administration to the extent that the PG Diploma in Environmental Sanitation Science issued by

Madurai Kamaraj University is excluded as a qualification and consequently direct the Respondents 1 to 5 to accept the applications, consider and appoint the petitioners to the post of Sanitary Inspector pursuant to Notification No.17624/2017 /J1 issued by the Commissioner of Municipal Administration published on 30.12.2017 in Dina Thanthi.

WP No.6704 of 2019

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus to call for the records and quash the Letter No.20490/MC3/2017-3 dated 04.09.2018 issued by the 1st respondent r/w Letter ROC No.17624/2017/J1 dated 12.09.2018 issued by the 3rd respondent r/w Letter No.PHDC No. C2/5107/2018 dated 20.09.2018 issued by the 5th respondent and direct the respondents 1 to 6 to implement the recommendation of the Director of Public Health and Medicine under G.O.Ms.No.107 dated 13.04.2017.

For Appellants : Dr.V. Suresh in W.A. Nos. 1821 to 1823/2019
Mrs.D. Geetha in W.A.No.2352/2019.

For Respondents: Mr.S.R. Rajagopal
AAG assisted by Mrs.A. Srijayanthi,
Special Government Pleader
for R1 to R5 in W.A.No.1821,
1822/2019, 2352/2019
R1 to R6 in W.A.No.1823/2019

Mr.P.Godson Swaminath for R6
in W.A. 1821, 1822/2019 & 2352/2019
for R7 in W.A. 1823/2019.

Mrs.D. Geetha for R7 in
W.A.No.1821, 1822/2019
for R8 in W.A.No.1823/2019

Mr. K. Sinivasamurthy
for M/s. Row & Reddy for R8 to R10
in W.A.No.1821, 1822/2019

for R7 to R9 in W.A.No.2352/2019.

Mr.Ma.P.Thangavel for R29 in W.A.No.1821/2019
for R28 in W.A.No.2352/2019.

COMMON JUDGMENT

(Judgment of the Court was made by P.T. ASHA, J.,)

This Intra Court appeal arises from and out of the order dated 25.04.2019 vacating the interim orders granted on

19.01.2018 in W.M.P.Nos.7255, 8264, 7515 and 1448 of 2018 in W.P.Nos.1162 and 2467 of 2018, 6704 of 2019 and 1162 of 2018.

2.The issues involved in the Writ Petitions are the recognition of P.G. Diploma in Environmental Sanitation taken by the appellants. The grievance of the appellants is that they are unable to participate in the recruitment in Sanitary Inspector where the qualifications prescribed includes the Certificate Course of the Gandhigram Rural Institute. However, the appellants, who have undergone the similar qualifications from an other institute, are unable to participate in the recruitment as the courses are not recognised by the State Government. The appellants have completed the Course from the Wash Institute. Challenging the same, the appellants have moved a Writ and the appellants initially obtained interim orders restraining the State Government from proceeding with the recruitment drive. Thereafter, Vacate Stay petitions were moved and the impugned orders came to be passed. The said order is the subject matter of challenge in this Intra Court appeal.

3.When the matter came up for admission on 18.06.2019, this Court, in order to provide a level playing field for the appellants and the respondents, has passed the following orders:

"4.The Commissioner of Municipal Administration appears to be under the impression that the Madurai Kamaraj university has withdrawn the permission for conducting the P.G. Diploma Course in Environmental Sanitation. This is found from the order dated 12 September 2018. there is no basis for the said finding. It was only the equivalence Certificate which was withdrawn by the University vide communication dated 17 October 2017.

5.The Committee constituted by the Government has not taken any serious efforts to decide the question of equivalence. The Committee ought to have decided the issue of equivalence taking into account the subject of study, syllabus and all other material factors. Since the Government itself has moved its machinery for recognition of the course as a one time measure, we are of the view that the matter requires fresh consideration.

We direct the Principal Secretary, Municipal Administration Department, to offer the views of the Government in the matter for passing further orders, to resolve the issue once for all."

4.When the matter was posted on 19.06.2019, 24.06.2019, 27.06.2019 and 01.07.2019, the respondents had sought time to comply with the order dated 18.06.2019. Thereafter, when the matter was posted on 13.08.2019, the report was submitted with

the Memo. However, the appellants/petitioners had objected to the report stating that the report submitted is one without awaiting the report from Madurai Kamaraj University regarding the Syllabi for the Sanitary Inspector Course.

5.The learned counsel for the appellants had produced the documents to show that the records were furnished by Madurai Kamaraj University only on 13.07.2019 and therefore, the report prepared on the very same day, would not be the result of the meaning discussion.

6.The learned Additional Advocate General sought time for instructions and on 21.08.2019, the learned Additional Advocate General had submitted his report of the Expert Committee, who had met on 16.08.2019 to consider the equivalence of the syllabus of the Director of Gandhigram Rural Institute and Wash Institute. The Committee had come to the conclusion that the syllabus offered by the Wash institute is not equivalent to the Diploma offered by the Gandhigram Rural Institute and was also not equal in syllabus as well.

7.In view of the above report, nothing survives for consideration in the above Writ Appeals. It is needless to state that it is well open to the appellants to question the report dated 16.08.2019 submitted by the Expert Committee constituted by the State Government. Therefore,

these Writ Appeals are dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

mps
To

- 1 The Commissioner/Director of Municipal Administration,
 Chepauk,
 Chennai-600 005.
- 2 The Principal Secretary,
 Municipal Administration and Water Supply Department,
 Fort St. George,
 Chennai - 600 009.

- 3 The Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 4 The Director,
Directorate of Public Health & Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-600 006.
- 5 The Director of Town Panchayat,
Kuralagam,
Chennai-600 108.
- 6 The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021.
- 7 The Commissioner/Director of Municipal Administration
Chepauk, Chennai 5.
8. The Registrar,
Gandhigram Rural Institute,
(Deemed to be University),
Gandhigram - 624 302.

+1 CC to M/s. D. Nagasaila, Advocate sr 74545
+1 CC to Mr.P.Godson Swaminathan, Advocate sr 74304.
+1 CC to M/s.D. Geetha, Advocate sr 73252.
+1 CC to M/s. Row & Reddy, sr 73204.
+1 CC to Mr.Ma.P.Thangavel, Advocate sr 73534.

W.A.Nos.1821 to 1823 of 2019
and W.A.No.2352 of 2019
and

C.M.P.Nos.12368, 12371,12372, 12373,
12375, 12376 and 12383 of 2019

GJII (CO)
SP(25/09/2019)