



W.P.Nos.31501 of 2019 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	14.06.2022
Pronounced On	10.08.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.31501 of 2019 & W.P.Nos.1162, 2467, 26482, 26553, 28062 & 28067 of 2018 and W.P.(MD) No.12923 of 2018 and W.P.Nos.6704, 6712, 16104, 27043, 27048, 31642, 31635, 31999, 33624 & 33970 of 2019 and W.M.P.Nos.31843, 34097, 26424, 26427, 31688, 31841, 24448, 31692, 31845, 32246, 32248, 32323, 31693, 15861 to 15863, 31846, 31847, 31849, 31850, 31851, 9386, 34093 & 34095 of 2019 W.M.P.Nos.20965 of 2021

W.P.No.31501 of 2019

1.S.Vinoth

2.P.Vadivel

3.A.David Xavier

4.M.Thiruppathi

5.C.Suresh

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and
Water Supply Department,



W.P.Nos.31501 of 2019 etc. batch

Secretariat, Fort St. George,
Chennai – 600 009.

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2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai - 600 009.

3.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George, Chennai - 600 009.

4.The Commissioner of Municipal Administration,
O/o. The Commissionerate of Municipal
Administration,
Urban Administration Office Campus,
75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

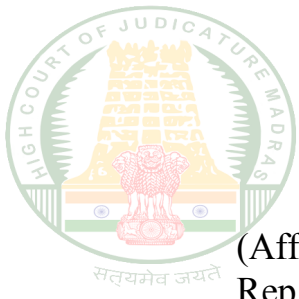
5.The Director of Public Health and Preventive
Medicine,
DMS Campus, 359, Anna Salai,
Teynampet, Chennai 600 006.

6.The Director,
Directorate of Town Panchayat,
75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 600 028.

7.The Commissioner,
Corporation of Chennai, Chennai 600 003.

8.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai 625 021.

9.WASH Institute,



W.P.Nos.31501 of 2019 etc. batch

(Affiliated to Madurai Kamaraj University),
Rep. by its Principal, Katiranampatti Pirivu,
Reddiyarchatram, Dindigul District.

10.The Chairman,
Expert Committee,
O/o.the Commissioner of Municipal Administration,
Urban Administration Office Campus,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned report of the Expert Committee dated 16.08.2019 issued by the tenth respondent and to quash the same and consequently to direct the respondents to consider the P.G. Diploma in Environmental Sanitation Science offered by Madurai Kamaraj University after 2010 as eligible qualification for appointment to the post of Sanitary Inspector based on the report of the fifth respondent viz., The Director of Public Health and Preventive Medicine dated 16.08.2018 with further directions to the State Government / Health and Family Welfare Department to decide the issue relating to equivalence of P.G. Diploma in Environmental Sanitation Science offered by the Madurai Kamaraj University by passing orders in the proposal forwarded by the Secretary, Higher Education Department vide Letter dated 30.04.2019.

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For Petitioners in : Mr.G.Sankaran



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W.P.No.31501 of 2019

For Petitioners in : M/s.D.Geetha
W.P.Nos.16104, 33624 &
33970 of 2019 and
For WASH Institute

For Petitioners in : Dr.V.Suresh
W.P.Nos.2467 & 1162 of
2018 & 31635, 6704, 6712 &
31642 of 2019

For Petitioners in : Mrs.B.Saraswati
W.P.Nos.26482, 26553,
28062 & 28067 of 2018

For Petitioners in : Mr.R.Thirumoorthy
W.P.Nos.27043, 27048 &
31999 of 2019

For Petitioner in W.P.(MD) : Mr.R.Sundar
No.12923 of 2018

For impleading petitioner in : Mr.Lakshmi Naryanan
W.P.No.31635 of 2019

For State : Mr.L.S.M.Hasan Fizal
Government Advocate

For Expert Committee : Mr.V.P.R.Elamparithi
Government Advocate

For Corporation of Chennai : Mr.M.Ganesan

For Madurai Kamaraj : M/s.Issac Chambers



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University

For Gandhigram Rural : Mr.Sankaranarayanan
Institute Additional Solicitor General
Assisted by
Mr.Ma.Pa.Thangavel

For R8 to R10 in : Mr.K.Srinivasamurthy
W.P.No.2467 of 2018 & For for M/s.Row and Reddy
R8 to R27 in W.P.No.1162
of 2018

For R10 & R11 in : M/s.Nalini Chidambaran
W.P.No.31635 of 2019 Senior Counsel for
M/s.C.Uma

COMMON ORDER

By this common order, all the eighteen (18) Writ Petitions are being disposed. Since 18 Writ Petitions are being disposed by this common order, this order is divided into 9 Parts as follows:-

<i>Part No.</i>	<i>Content</i>	<i>Paragraphs No.</i>
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Part No.	Content	Paragraphs No.
	sought for in these Writ Petitions	
6	Submissions of the petitioners	79 - 110
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8	Discussion	115 - 195
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Part No.1 - Introduction:-

2. All these Writ Petitions relate to the appointment to the post of Sanitary Inspector based on the Diplomas offered by the following four different universities / institution namely:-

- i. Gandhigram Rural Institute (Deemed to be University);
- ii. Water Sanitation and Hygiene Institute (WASH Institute);
- iii. All India Training Institute of Local Self Government; and
- iv. Madurai Kamaraj University.

3. For the sake of convenience, these Writ Petitions are categorized into four categories i.e Institute wise as follows:-

Category 1:Gandhigram Rural Institute (Deemed to be University)

Sl. No.	W.P.No.	Prayer
1	W.P.(MD) No.12923/18	For issuance of a Writ of Mandamus, to direct the first to fourth respondents (The Director Of Public Health and Preventive Medicine) to not to

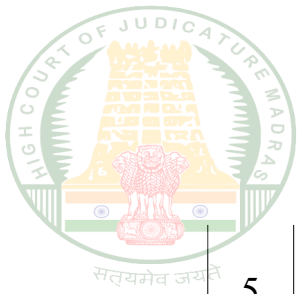


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Sl. No.	W.P.No.	Prayer
		consider the certificate issued by the sixth respondent (WASH Institute) for the selection to the post of Sanitary Inspector in local bodies and any other Government Departments as per Letter dated 25.01.2016 bearing reference No.21349/Ma.Na.3/2015-3, on the file of the first respondent. (The State of Tamil Nadu Represented by its Principal Secretary)

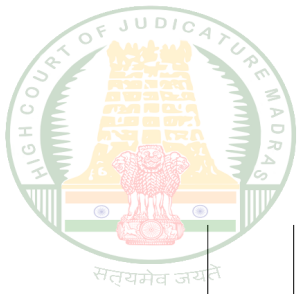
Category 2: Water Sanitation and Hygiene Institute (WASH)

Sl. No.	W.P.No.	Prayer
2	28062 / 2018	For issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent (The State of Tamil Nadu Represented by its Principal Secretary) in Letter No.20490/MC3/2017-3, Municipal Administration and Water Supply Department, dated 04.09.2018 and the subsequent order of the third respondent (The Commissioner of Greater Chennai Corporation), Public Health Department, Rippon Building, Chennai in Letter No.P.H.D.C.No.C2/5107/2018, dated 20.09.2018 and to quash the same and direct the first to sixth respondents to accept the applications, consider and appoint the petitioners to the post of Sanitary Inspectors.
3	26553 / 2018	
4	28067 / 2018	For issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent (The State of Tamil Nadu Represented by its Principal Secretary) in Letter No.20490/MC3/2017-3, Municipal Administration



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5	26482 / 2018	and Water Supply Department, dated 04.09.2018 and the subsequent order of the third respondent (The Commissioner of Chennai Municipal Administration) in ROC.No.17624/2017/J1 and to quash the same and direct the first to fifth respondents to accept the applications, consider and appoint the petitioner to the post of Sanitary Inspector.
6	16104 / 2019 *	For issuance of a Writ of Mandamus, to call for the records in Letter No.20490/MC3/2017-3, dated 04.09.2018 issued by the first respondent (The State of Tamil Nadu Represented by its Principal Secretary), quash the same and direct the first to fourth respondents to include the PG Diploma Course in Environmental Sanitation Science (Sanitary Inspector Course) Certificate issued by the seventh respondent (Madurai Kamaraj University) through the petitioner's Institute as a qualification for appointment to the post of Sanitary Inspector in all the local bodies in Tamil Nadu and in the Tamil Nadu Municipal Public Health Services Regulations, 1970.
7	33624 / 2019 *	For issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent (The State of Tamil Nadu Represented by its Principal Secretary) in G.O. (D) No.278, dated 19.07.2019 and related proceedings in the 'Report of the Expert Committee' dated 30.07.2019 and 16.08.2019, to quash the same and consequently to direct the second respondent to recognize the P.G. Diploma in Environmental Sanitation Science awarded by the seventh respondent (Madurai Kamaraj University) through the petitioner Institute as equivalent to and one and the same as the Government prescribed Course in accordance with the fourth respondent's



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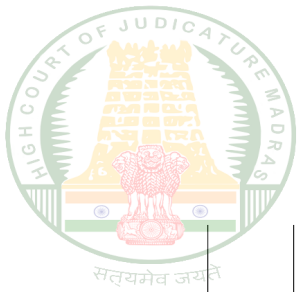
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		opinion in R.No.039371/Trg/01/2017, dated 16.03.2019.
8	33970 / 2019 *	For issuance of a Writ of Declaration, to declare that PG Diploma in Sanitary Inspector's Course offered by the eighth respondent is different from the Sanitary Inspector Course Certificate mentioned in the Tamil Nadu Municipal Public Health Services Regulations, 1970 and that the PG Diploma in Sanitary Inspector's Course offered by the eighth respondent (Gandhigram Rural Institute) is not recognized by the State of Tamil Nadu.

* This Petition has been filed by the Water Sanitation and Hygiene Institute (WASH Institute) for their students.

Category 3: All India Training Institute of Local Self Government

Sl. No.	W.P.No.	Prayer
9	27043 / 2019	For issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 12.04.2019 of the second respondent (The Director Of Public Health and Preventive Medicine) bearing reference R.No.025087/Trg/S4/2019 and to quash the same and consequently direct the respondents to appoint the petitioner to the post of Health Sanitary Inspector Grade – II.
10	31999 / 2019	For issuance of Writ of Mandamus, to direct the third respondent (The Commissioner of Chennai Municipal Administration) to consider and appoint the petitioner to the post of Sanitary Inspector without reference to the P.G.Diploma



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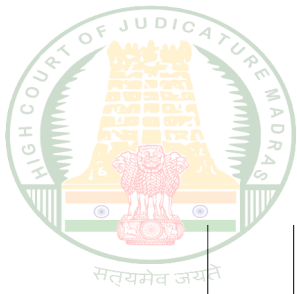


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		in Sanitary Inspector Course Certificate issued by the Gandhigram Rural Institute, Dindigul District as mentioned in Clause No.2(d) pursuant to the interview letter bearing Roc.No.20746/J1/2019, dated 23.10.2019.
11	27048 / 2019	For issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order bearing R.No.025087/Trg/S4/2019, dated 26.07.2019 passed by the second respondent (The Director Of Public Health and Preventive Medicine) and to quash the same and consequently direct the respondents to appoint the petitioner to the post of Health Inspector Grade –II.

Category 4 : Madurai Kamaraj University

Sl. No.	W.P.No.	Prayer
12	31501 / 2019	For issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned report of the Expert Committee dated 16.08.2019 issued by the tenth respondent (The Chairman Of Expert Committee) and to quash the same and consequently to direct the respondents to consider the P.G. Diploma in Environmental Sanitation Science offered by Madurai Kamaraj University after 2010 as eligible qualification for appointment to the post of Sanitary Inspector based on the report of the fifth respondent (The Director of Public Health and Preventive Medicine) dated 16.08.2018 with further directions to the State Government / Health and Family Welfare Department to decide the issue relating to equivalence of P.G.

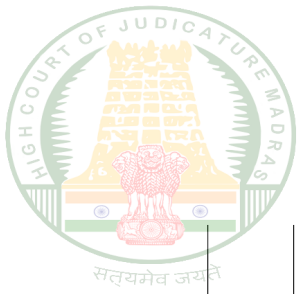


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		Diploma in Environmental Sanitation Science offered by the Madurai Kamaraj University by passing orders in the proposal forwarded by the Secretary, Higher Education Department vide Letter dated 30.04.2019.
13	6712 / 2019	For issuance of a Writ of Declaration that the P.G. Diploma in Sanitary Inspector Course of the eight respondent (Wash Institute) is not a recognized qualification for appointments to the post of Sanitary Inspectors in the state of Tamil Nadu and hence cannot be considered for appointment to any post under this regulation.
14	6704 / 2019	For issuance of Writ of Certiorarified Mandamus, to call for the records and quash Letter No.20490/MC3/2017-3 dated 04.09.2018 issued by the first respondent r/w Letter ROC No.17624/2017/J1 dated 12.09.2018 issued by the third respondent r/w Letter No.PHDC.No.C2/5107/2018 dated 20.09.2018 issued by the fifth respondent (The Commissioner of Chennai Corporation) and direct the first to sixth respondent (The Director Of Town Panchayat) to implement the recommendation of the Director of Public Health & Medicine under G.O.Ms.No.107 dated 13.04.2017.
15	31642 / 2019	For issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the Report dated 16.08.2019 of the sixth respondent (Expert Committee Convened by its chairman) and direct the sixth respondent to approve the qualification of one year PG Diploma in Environmental Sanitation Science issued by the Madurai Kamaraj University for the post of Sanitary Inspector as per the



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		recommendations in R.No.039371/Trg/S1/2017 dated 16.08.2019 of the Director of Public Health and Preventive Medicine, the fourth respondent herein.
16	31635 / 2019	For issuance of a Writ of Certiorarified Mandamus, to call for the records and quash ROC No.20746/J1/2019 dated 23.10.2019 issued by the first respondent Commissioner of Municipal Administration to the extent that the PG Diploma in Sanitary Inspector Course issued by Gandhigram Rural Institute in included as a qualification to the exclusion of other qualifications like the PG Diploma in Environmental Sanitation Science issued by Madurai Kamaraj University and consequently direct the first to sixth respondents 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.
17	2467 / 2018	For issuance of 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 first to fifth respondents 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.
18	1162 / 2018	



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WEB COPY 4. Since the sequences of the official respondents and institutions vary from Writ Petitions to Writ Petitions, for the sake of convenience they are referred to by their names and designations.

Part No.2 – Brief facts of the cases

5. These cases have a checkered history. The trigger for these Writ Petitions is the qualification prescribed in the impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017 issued by the Commissioner of Municipal Administration calling applications from candidates, for filling up 110 vacancies to the posts of Sanitary Inspectors/Health Inspectors in various Municipalities governed by Tamil Nadu Municipal Public Health Service Regulations, 1970. The qualification prescribed in the impugned Notification dated 30.12.2017 of the Commissioner of Municipal Administration as the Appointing Authority are as follows:-

Qualification

Must possess B.Sc., (Chemistry) with a Sanitary Inspector's Certificate granted by



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- i. The Additional Director of Health Services and Family Planning, Chennai as the Chairman, Board of Examiners, constituted by Government in this behalf (or)
- ii. Must possess a Health Inspector's Certificate awarded by the Principal, Medical College, Trivandrum (or)
- iii. Must possess a Sanitary Inspector's Certificate awarded by the Director of Public Health, Bombay (or)
- iv. **Sanitary Inspector Certificate awarded by the Gandhigram Rural Institute and Must possess physical fitness for camp life and satisfy the physical standard prescribed for Health Inspectors.**

6. The petitioners in Category Nos.2 to 4 who have pursued their P.G. Course from WASH Institute, All India Training Institute of Local Self Government and Madurai Kamaraj University, have challenged the impugned Notification No.17624/2017/J1 dated 30.12.2017 issued by the Commissioner of Municipal Administration and the subsequent communications as detailed in the reliefs.

7. The writ petitions filed by those candidates who have passed out either directly from the Madurai Kamaraj University (Category 4) or the institutes affiliated to it such as the Water Sanitation and Hygiene

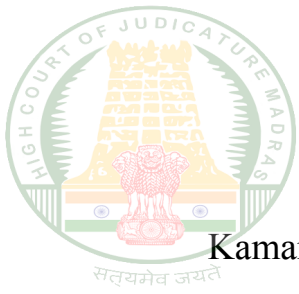


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Institute (WASH Institute) (Category 2) and from the All India Training Institute of Local Self Government (Category 4) is contested by the candidates who have passed out from Gandhigram Rural Institute (Category No.1).

8. The specific case of the petitioners in Category No.1 is that without possessing requisite certificate of Sanitary Inspector Course from the Gandhi Gram Rural Institute as prescribed in the impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017, the petitioners who have obtained diploma certificate either from Madurai Kamaraj University or from Water Sanitation and Hygiene Institute (WASH Institute) affiliated to Madurai Kamaraj University and/or from the All India Training Institute of Local Self Governance should not be considered for appointment at all to the post of Sanitary Inspector / Health Inspector.

9. The petitioners who have obtained P.G. Diploma in Environmental Sanitation Science offered by the Madurai Kamaraj University state that when the above course was offered by the Madurai

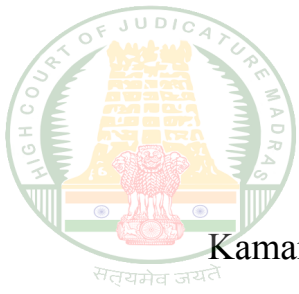


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Kamaraj University, the Madurai Kamaraj University had represented that as a Health / Sanitary Inspector, successful attendees will be more suitable for conducting surveys, reports, filed work & research on various aspects of health, environment in Water and Sanitary (WATSAN) sector and local bodies.

10. On the other hand, it is the contention of the petitioners from Madurai Kamaraj University and from the Water Sanitation and Hygiene Institute (WASH Institute) and from the All India Training Institute of Local Self Government that Gandhigram Rural Institute is itself no longer conducting Sanitary Inspector's Course or awarding Sanitary Inspector Certificate and is awarding a Post Graduate Diploma in Sanitary Inspector's Court (PGDSI) like the Madurai Kamaraj University and Water Sanitation and Hygiene Institute (WASH Institute) affiliated to Madurai Kamaraj University.

11. It is therefore submitted that the candidates who passed out from Gandhigram Rural Institute cannot be given any preference over the petitioners who have obtained similar qualifications from the Madurai



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Kamaraj University or institutions affiliated to Madurai Kamaraj University such as WASH Institute, to disqualify them in the matter of public employment.

Part No.3 -Interim Orders of this Court in some of these W.Ps:

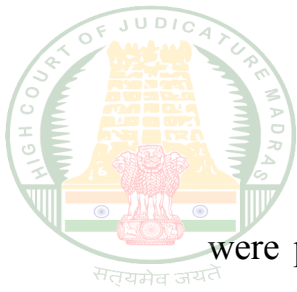
(i) Interim Order dated 19.01.2018

12. An interim order dated 19.01.2018 was passed in W.P.No.1162 of 2018 (Category 4), whereby, this Court directed the first to fifth respondents, i.e. Municipal Administration and Water Supply Department, Health and Family Welfare Department, the Directorate of Public Health and Preventive Medicine and the Director of Town Panchayat, to

- i. accept the applications of the petitioners in W.P.No.1162 of 2018 who are from Madurai Kamaraj University, subject to the result of the said Writ Petition, and
- ii. not to publish the results till the further orders of this Court.

(ii) Interim Order dated 07.02.2018

13. By the interim order dated 07.02.2018 in W.P.No.2467 of 2018 (Category 4), the petitioners who are from Madurai Kamaraj Univeristy,



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were permitted to submit their applications and the official respondents were directed to accept the applications of the petitioners subject to the result of the said Writ Petition. The official respondents were directed to not to publish the results.

(iii) Interim Order dated 31.07.2018

14. Thereafter, by an order dated 31.07.2018 in W.P.Nos.1162 & 2467 of 2018 filed by the candidates from Madurai Kamaraj University, this Court directed the official respondents to proceed further with the recruitment and that final list shall be prepared subject to the final outcome of these Writ Petitions. This Court gave liberty to make adhoc appointment for a period of three months without any right to claim any equity.

(iv) Interim Order dated 26.10.2018.

15. By the above interim order dated 26.10.2018 was passed in W.P.Nos.28062 & 28067 of 2018, this Court ordered that so far as the applications of the petitioners in both W.P.Nos. are concerned, the status quo as on date shall be maintained.



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(v) Interim Order dated 25.04.2019

16. By the above interim order dated 25.04.2019, the above three interim orders at Sl.Nos.(i), (ii) & (iv) were vacated with the following observations:-

12. This apart, the Post of Sanitary Inspector is of paramount importance. Maintenance of sanitation in Municipalities are undoubtedly a public interest and in the event of keeping these posts vacant for an unspecified period, the same will cause inconvenience for the smooth functioning of the Municipal Administration. Public services can never be paralyzed in a routine manner. The duties and responsibilities attached to the Post of Sanitary Inspector is directly related to the public services and the continuance of interim order, no such circumstance is certainly not preferable. This apart, the writ petitioners are admittedly not qualified as per the Recruitment Notification dated 30.12.2017 as they have not acquired the requisite educational qualifications from the institutions notified in the Recruitment Notification dated 30.12.2017.

13. This being the factum of the case, the respondents are permitted to continue the process of selection, conclude the same and, the other grounds raised in the writ petition, shall be adjudicated during the final hearing of the writ petition.

14. Accordingly, the interim orders granted by this Court in W.M.P.Nos.1448 & 1449 of 2018 in W.P.No.1162 of 2018 on 19.01.2018,



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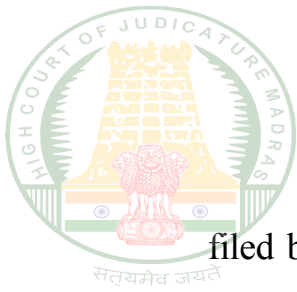
W.M.P.Nos.3009 & 3010 of 2018 in W.P.No.2467 of 2018 on 07.02.2018 and W.M.P.No.32692 of 2018 in W.P.No.28062 of 2018 on 26.10.2018 stand vacated and the Stay Petitions filed in W.M.P.Nos.1448 & 1449 of 2018 in W.P.No.1162 of 2018, W.M.P.Nos.3009 & 3010 of 2018 in W.P.No.2467 of 2018 and W.M.P.Nos.32692 of 2018 in W.P.No.28062 of 2018 stand dismissed.

15. Thus, the Vacate Stay Petitions filed in W.M.P.No.7255 of 2018 in W.P.No.1162 of 2018, W.M.P.No.8264 of 2018 in W.P.No.2467 of 2018 and W.M.P.No.7635 of 2019 in W.P.No.28062 of 2018 stand allowed.

16. In view of the orders passed in the above Vacate Stay Petitions, the Stay Petitions filed in W.M.P.Nos.30794 & 30899 of 2018 in W.P.Nos.26482 & 26553 of 2018, W.M.P.No.32697 of 2018 in W.P.No.28067 of 2018, W.M.P.Nos.7515 & 7523 of 2019 in W.P.Nos.6704 & 6512 of 2019 and W.M.P. (MD) No.11809 of 2018 in W.P.(MD) No.12923 of 2018 also stand dismissed. No costs.

(vi) Interim Order dated 18.06.2019 of the Division Bench of this Court:-

17. W.A.Nos.1821 to 1823 of 2019 came to be filed by the petitioners / candidates from Madurai Kamaraj University before the Division Bench of this Court to vacate the above mentioned interim order dated 25.04.2019. The Division Bench of this Court, after considering the case of the petitioners (the appellants therein) and the counter affidavit



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filed by the respondents, passed an interim order dated 18.06.2019 with the following observations:-

3. The counter affidavit filed by the Director of Public Health and Preventive Medicines in W.P.No.1162 of 2018 shows that the Government issued an order in G.O.Ms.No.91, Municipal Administration and Water Supplies Department, dated 11 February 2015, constituting a High Level Expert Committee to decide the eligibility of the institutions for conducting the Sanitary Inspector course. The Committee passed the following resolution:

(e) The members of the Board and Committee would recognize and approve the course certificates of the candidates who have undergone one year course as an, “one time measure” up to 31.03.2017, if found eligible and to send proposals to Government. Based on the approval of the Board, the concerned Departments may appoint the candidates if they are otherwise eligible as per rules. Immediately after appointment the candidates studied in the unapproved institutions (1 year course) should undergo three months training in the Regional Training Institutes of the Director of Public Health & Preventive Medicine, and should pass the qualifying examination conducted by the Director of Public Health & Preventive Medicine at the end of the course, for regularizing their services.

4. The Commissioner of Municipal



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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 onetime measure, we are of the view that the matter requires fresh consideration.

6. 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.

(vii) Interim Order dated 03.07.2019 of the Division Bench of this Court:-

18. Thereafter, another interim order dated 03.07.2019 in the above

W.A.Nos.1821 to 1823 of 2019 was passed which reads as under:-

The Commissioner of Municipal Administration, Chennai has filed an affidavit dated 03.07.2019 indicating that expert committee would be constituted to verify the syllabus, in response to the order dated 18.06.2019. Paragraph No.7 of the affidavit reads thus:



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“7. In pursuance to the direction of the Hon’ble Court on 01.07.2019 it is proposed by the 1st respondent to constitute an expert committee to take a decision on whether the syllabus of Post Graduate Diploma in Environmental Sanitation Science of the Wash Institute is equivalent to the Sanitary Inspector Course offered by the Additional Director of Health Service and Family Planning, Chennai, Medical College, Trivandrum, Director of Public Health, Bombay, and Sanitary Inspector Certificate Course awarded by the Gandhigram Rural Institute, Dindigul”

2. Let the Government constitute the committee as indicated above.

3. The expert committee shall consider the certificates of the appellants and other similarly situated candidates and a decision on equivalence must be taken.

4. The committee shall submit its report as expeditiously as possible and in any case, on or before 02.08.2019.

5. The Government shall also file a statement before this Court indicating the number of vacancies available in the post of Sanitary Inspector.

19. Further, pursuant to the above order dated 03.07.2019, a report dated 16.08.2019 of the Expert Committee was submitted before the Division Bench of this Court, based on which, these Writ Appeals came to



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be dismissed as infructuous vide order dated 27.08.2019 with liberty to the petitioners (the appellants therein) to question the report dated 16.08.2019 submitted by the Expert Committee constituted by the State Government.

(viii) Interim Order dated 13.11.2019

20. By the above interim order dated 13.11.2019 in W.P.No.31999 of 2019 (Category 3), the respondents in W.P.No.31999 of 2019 were directed to keep one post vacant till the outcome of W.P.No.27048 of 2019 (Category 3).

(ix) Interim order dated 27.11.2019

21. Thereafter, connected Writ Petitions including the Writ Petitions filed in the year 2019 and W.P.(MD) No.12923 of 2018 (Category 1) which was filed before the Madurai Bench of this and later transferred to the principal seat at Madras, were listed and heard together as the common issue that arises in all these Writ Petitions relates to the appointment of Sanitary Inspector.



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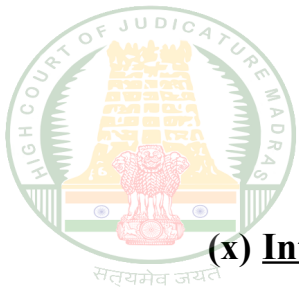
22. By the above interim order dated 27.11.2019 in W.P.(MD)

No.12923 of 2018, W.P.Nos.26482, 26553, 28062, 28067 of 2018, W.P.Nos.31999 of 2019, W.P.Nos.31501, 6712, 31635, 31642, 6704 of 2019, 1162, 2467 of 2018 (Category 1 to Category 4), the respondents were permitted to proceed with the selection process. However, the respondents were directed to not to issue any appointment order. The said order reads as under:-

1. The petitioners are students of WASH Institute affiliated to Madurai Kamaraj University and the Certificates obtained by them are not accepted for the purpose of selection to the post of Sanitary Inspector since as per the Notification issued by the Commissioner of Municipal Administration, they have to obtain Certificate from the Gandhi Gram Institute. Aggrieved by the non-consideration, the petitioners have filed these writ petitions.

2. This Court vide order dated 13.11.2019 made in W.P.No.31999 of 2019 has directed the respondents therein to keep one post vacant till the outcome of the writ petition in W.P.No.27048 of 2019.

3. Considering the prima facie case, the selection process and other proceedings may go on, however, the respondents are directed not to issue any appointment order.



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(x) Interim Order dated 19.02.2020

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23. After considering the arguments at length, the above interim order dated 19.02.2020 was passed by this Court by directing Ms.P.Kavitha the learned Government Advocate to take instructions from the Principal Secretary, Health and Family Welfare Department and to report before this Court during the next the date of hearing with regard to the implementation of the recommendation made by the Committee which was constituted by the Government and also to take into consideration of the recommendation made by the Director of Public Health and Preventive Medicine insofar as the prevailing vacancies are concerned.

The operative portion of the order reads as under:-

5. The resolution passed by the Board was also placed before the Principal Secretary, Health and Family Welfare Department. However, there is no development thereafter. As a result of the same, the confusion in the process of recruitment to the post of Sanitary Inspector continues even today.

6. This Court expects the Principal Secretary, Health and Family Welfare Department to immediately act upon the suggestion that have already been placed before the Ministry by the Board members and particularly the suggestions of the Director of Public Health and Preventive Medicine. If only a decision had been taken by now and the relevant rules in the various local bodies are



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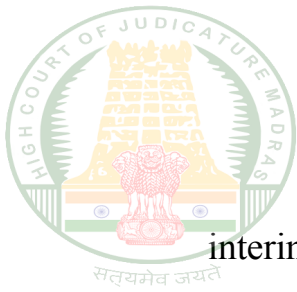
W.P.Nos.31501 of 2019 etc. batch

amended, the recruitment to the post of Sanitary Inspector could have been carried out in a smooth manner and completed. However the action on the part of the Principal Secretary, Health and Family Welfare Department has virtually stalled the selection to the post of Sanitary Inspector in various local bodies.

7. In view of the above, the learned Government Advocate is directed to take instructions from the Principal Secretary, Health and Family Welfare Department and report before this Court during the next the date of hearing with regard to the implementation of the recommendation made by the Committee which was constituted by the Government and also to take into consideration of the recommendation made by the Director of Public Health and Preventive Medicine insofar as the prevailing vacancies are concerned. The Government can consider the suggestion made by the Board members in Clause (e) which has been extracted supra and see if, the process of recruitment can go on as per the said suggestion, pending the amendment to the relevant Rules of various local bodies. This direction is given considering the importance of the post and public interest involved which directly touches upon the health and welfare.

(xi) Interim order dated 31.08.2021

24. After hearing the arguments of the both side counsels at length, an interim order dated 31.08.2021 was passed by this Court in the light of the letter dated 10.08.2021 bearing reference D.O.Rc.No.245/2020 A of the Member – Secretary of the Higher Education Department. The said



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interim order dated 31.08.2021 is extracted below:-

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“Mr.L.S.M.Hasan Fizal, the learned Government Advocate appearing for the respondent Government has filed a copy of the letter / order dated 10.08.2021, wherein, the Tamil Nadu State Council for Higher Education has proposed to conduct a meeting of subject expert and Environmental Sanitation Science to obtain detailed views, recommendations, unit wise analyses comparative statement and percentage of similarities for being placed before the Equivalence Committee for P.G. Diploma in Environmental Sanitation Science offered by Wash Institute affiliated to Madurai Kamaraj University. The learned Government Advocate submits that no Experts Committee has been constituted till now.

2. Be that as it may, the copy of the said letter/order is reproduced below, so that, the counsels for the respective petitioners can make their detailed submission which may have bearing on the final outcome of these writ petitions:-

**TAMILNADU STATE COUNCIL
FOR HIGHER EDUCATION**

Dr. S. Krishnasamy,
Member - Secretary

Lady Willingdon College Campus,
Kamarajai Salai, Chennai-600 005.
Phone Off: (044) 2844 6486
2844 5570

D.O.Rc.No.245/2020 A,

Date : 10-08-2021

Dear Sir,

Sub : Tamilnadu State Council for Higher Education –
Issuance of equivalence to the courses offered by the
educational Institutions for the purpose of



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employment in public services – Meeting Conducting
of – Reg.

Ref :

1. G.O. (Ms) no.93, Higher Education (K2) Department, dated 30-05-2019.
2. Letter received from The Registrar, Madurai Kamaraj University letter no.B1/BoS/Eligibility of qualification/PGDESS & PGDSI/2019, dated : 07-11-2019, 09-1-2020. 13-1-2020.
3. Higher Education (K1) Department letter No.19681/K1/2019-1, dated 23-12-19 & 21-01-2020.
4. The Principal, WASH Institute letter dated: 10-1-2020.

Kind attention is invited to the reference Government Order cited wherein a new Equivalence Committee under the Chairmanship of the Principal Secretary to Government, Higher Education Department was formed in Tamilnadu State Council for Higher Education for issuance of equivalence to the courses offered by the educational Institutions for the purpose of employment in public services and for pursuing higher studies.

Tamilnadu State Council for Higher Education has proposed to conduct a meeting of subject expert in Environmental Sanitation Science to obtain detailed views, recommendations, unit wise analysed comparative statement and percentage of similarities to be placed in the Equivalence Committee for the following degrees.

<i>S. No.</i>	<i>Nomenclature Degree</i>	<i>Offered by</i>	<i>Equivalent to</i>
1.	PG Diploma in Environmental Sanitation Science	Wash Institute affiliated to Madurai Kamaraj University	For the post of sanitary Inspector and Health Inspector and for the purpose of employment in public services

In this regard you are requested to provide your



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Institution syllabus for academic year (2010-2011) and also to provide the Views/remarks of the above said subject to this Council which is to be placed in the Equivalence Committee meeting. Early reply is solicited.

MEMBER SECRETARY

To
The Director,
Director of Public Health and Preventive Medicine,
DMS, Teynampet, Chennai – 600 018.

3. Post these cases on 02.09.2021 at 2.15 p.m. as the second item of 2.15 p.m cases along with W.P.Nos.1162 of 2018, 31635 of 2019 and W.P.Nos.27043, 16104, 33970 & 33624 of 2019.

25. Thereafter, these Writ Petitions were reserved for orders on 27.10.2021. Meanwhile G.O.(Ms)No.45, Higher Education (K1) Department, dated 19.04.2022 came to be issued. Under these circumstance, these cases were again listed on 28.04.2021.

(xii) Interim order dated 28.04.2022

26. Later, another interim order dated 28.04.2022 was passed in the lights of G.O.(Ms)No.45, Higher Education (K1) Department, dated 19.04.2022 issued after these Writ Petitions were reserved for orders. The said order reads as under:-



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These cases are listed today under the caption "for clarification" in the light of issuance of G.O.(Ms)No.45, Higher Education (K1) Department, dated 19.04.2022. The relevant portion of the said Government Order reads as under:-

In the letter second read above, the Member Secretary, Tamil Nadu State Council for Higher Education, has forwarded the resolutions passed by the 14th Equivalence Committee meeting held on 07.02.2022 under the Chairmanship of the Principal Secretary to Government, Higher Education Department, on the equivalence of Degrees offered by various Universities / Educational Institutions to the similar Degrees for the purpose of employment in Public Services and requested the Government to issue orders in the matter.

2. The Government, after careful consideration, approve the following resolutions passed in the 14th Equivalence Committee meeting held on 07.02.2022, under the Chairmanship of the Principal Secretary to Government, Higher Education Department and direct that the following Degrees offered by various Universities / Educational Institutions be equivalent to the similar degrees mentioned therein from the date of issuance of such degrees for the purpose of employment in Public Services and also direct that no person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof, unless he possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the special rules; or possesses such other qualifications as have been



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declared to be higher than or equivalent to the said special qualifications or special tests, by the Government in consultation with the Committee constituted in the Government Order first read above and by the Government or by the appointing authority with the approval of the Government in other cases -

<i>Item No.</i>	<i>Subjects</i>	<i>Equivalence Committee Recommendations</i>
<i>1.</i>	<i>.....</i>	<i>.....</i>
<i>15.</i>	<i>Public Services — Educational Qualification —Consideration of PG Diploma in Environmental Sanitation Science offered by Water Sanitation and Hygiene Institute (WASH) affiliated to Madurai Kamaraj University as to whether equivalent to Sanitary Inspector Certificate Course of Government of Tamilnadu as issued in G.O.(Ms.)No.2051 Health Department dated 27-06-1952 for the post of Sanitary Inspector and Health Inspector.</i>	<i>Equivalent</i>

3.Though substantial work has been completed and it was proposed to pass final orders in these cases, the above said Government Order has been brought to the knowledge of this Court. Therefore, I am inclined to adjourn the cases under the same caption to 06.06.2022 at 02.15 p.m. After ascertaining the convenience of the learned counsels and also of the Court, one more opportunity will be



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given for allowing the learned counsels to make their final submissions in the light of the subsequent development.

4.The learned counsel for the respective petitioners are requested to make a consolidated typed set of papers in respect of interim orders that came to be passed in these Writ Petitions.

Post the matters on 06.06.2022 at 02.15 p.m.

Part No.4 – Government Orders and Development

G.O.Ms.No.2087, Education and Public Health Department, dated 04.09.1961

27. G.O.Ms.No.2087, Education and Public Health Department dated 04.09.1961 was issued in the exercise of power conferred by Section 8(2) of the Madras Public Health Act, 1939 (Madras Act III of 1939). It made the following amendments to the Public Health Establishments (Local Authorities) Regulations, 1940:-

“In the said Regulations, in the schedule under regulation 4 (1) in item 6, for clause (ii) in column (2), the following clause shall be substituted, namely:-

“(ii) Must possess a Sanitary Inspector’s Certificate granted by the Director of Public Health Madras, as the Chairman, Board of



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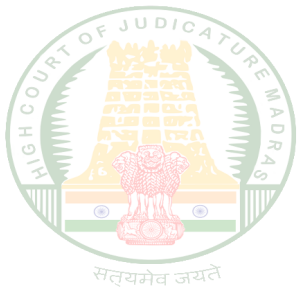
W.P.Nos.31501 of 2019 etc. batch

*Examiners, constituted by Government in this behalf, or **must possess a Sanitary Inspector's Certificate issued on behalf of the National Council for Rural Higher Education, New Delhi, at the end of the course at the Rural Institute, Gandhigram, Madurai District** or must possess a Health Inspector's Certificate awarded by the Principal, Medical College, Trivandrum.*

(2) for the Note under item 6, the following Note shall be substituted, namely:-

*“Note – Candidates possessing the Health Inspector's Certificate awarded by the Principal, Medical College, Trivandrum or candidates who had acquired the Sanitary Inspector's Certificate of the Public Health Inspector's Diploma Course of Bombay prior to the 3rd February, 1961, and candidates who were undergoing the Public Health Inspectors Diploma Course of Bombay on the third February 1961, shall be selected for appointment only if candidates possessing the Sanitary Inspector's Certificate granted by the Director of Public Health, Madras, as Chairman, Board of Examiners or **the Sanitary Inspector's Certificate issued on behalf of the National Council for Rural Higher Education, New Delhi at the end of the course at the Rural Institute, Gandhigram, Madurai District are not available**”*

G.O.Ms.No.120, Finance Department, dated 02.02.1990



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28. Vide G.O.Ms.No.120, Finance Department, dated 02.02.1990,

the posts of Sanitary Inspector, Junior Sanitary Inspector and Health Assistant of Corporation, Municipalities and Town Panchayats, were merged into one category as “Sanitary Inspector” with effect from 04.11.1988.

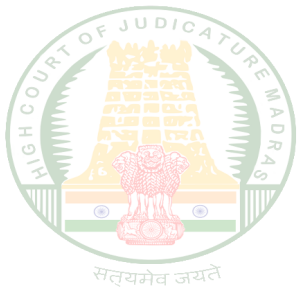
G.O.Ms.No.238, Municipal Administration and Water Supply Department, dated 14.09.1994.

29. Vide G.O.Ms.No.238, Municipal Administration and Water Supply Department dated 14.09.1994, certain amendments were made to the Tamil Nadu Municipal Public Health Service Regulations, 1970 with effect from 14.09.1994. The amendments to Regulation 6 read as under:-

(6) In regulation 6 –

- i. Under Class IV, for the expression “must possess a Sanitary Inspector’s Certificate awarded by the Director of Public Health, Bombay” in column (2) against category 1 in column (1), the following expression shall be substituted, namely:

“must possess a Sanitary Inspector’s Certificate awarded by the Director of



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Public Health, Bombay or Sanitary
Inspector's Course Certificate awarded by
the Gandhigram Rural Institute"

- ii. Under Class V, the entry "category 2" in column (1) and the entries relating thereto in column (2) shall be omitted.

G.O.Ms.No.91, Municipal Administration and Water Supply (MC3) Department, dated 11.02.2015

30. The Principal Secretary cum Commissioner of Chennai Municipal Corporation, vide a letter dated 28.02.2014 bearing reference No.C2/5556/2013, has requested the Government to give a clarification regarding the eligibility of the candidates who have pursued Post Graduate Diploma in Sanitary Inspector Course in the following Institutions:-

- (a) Water, Sanitation and Hygiene (WASH) Institute, Kodaikanal (Madurai Kamaraj University) (Post Graduate Diploma in Environmental Sanitation Science.
- (b) National Council for vocational and research training, New Delhi (Health and Sanitary Inspector Certificate)
- (c) All India Institute of Local Self Government, Mumbai (Sanitary Inspector's) Diploma)



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WEB COPY 31. Therefore, the Government, vide G.O.Ms.No.91, Municipal Administration and Water Supply (MC3), dated 11.02.2015, constituted a committee with the following members, to review the eligibility of certificates issued by different Institutions, for recruitment of Health Inspector / Sanitary Inspector and Sanitary Supervisor in the Local Bodies (Corporation, Municipality, Town Panchayat and Block Panchayat):-

1	The Principal Secretary to Government Municipal Administration and Water Supply Department	President
2	The Secretary to Government, Rural Development and Panchayat Raj Department	Member
3	The Principal Secretary to Government / Commissioner, Corporation of Chennai	Member
4	The Managing Director, Municipality	Member and Convener
5	The Director, Town Panchayat	Member
6	The Director of Public Health and Preventive Medicine, Chennai – 6	Member

Letter No.31122/Trg./S4/2014, dated 23.07.2016 and 20.11.2016 of the Director of Public Health and Preventive Medicine, Chennai.



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32. In the above said letter dated 23.07.2016 and 20.11.2016 bearing reference No.31122/Trg./S4/2014, the Director of Public Health and Preventive Medicine, Chennai has stated that as per the provisions of Public Health Act, the Director of Public Health and Preventive Medicine is the authority / Chairman of the Board of Examinations for Multi Purpose Health Worker (Male) / Health Inspector / Sanitary Inspector Court. the Director of Public Health and Preventive Medicine, Chennai further stated that the above Committee members constituted vide G.O.Ms.No.91, Municipal Administration and Water Supply (MC3), dated 11.02.2015, have suggested the Director of Public Health and Preventive Medicine, Chennai to finalize the syllabus and to conduct examinations for the course conducted by the Private Organisations / Trust / Universities / Deemed Universited and to issue orders for the following:-

- i. To approve the draft guidelines and syllabus of the above said courses;
- ii. Procedural requirement for applying the above said course conducted by private institutions including the Gandhigram Rural Institute; and
- iii. To conduct the above examinations as Chairman, Board of Examinations.



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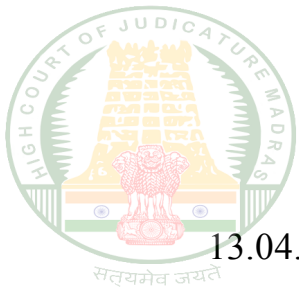
**G.O.(Ms) No.107, Health and Family Welfare (N1) Department,
dated 13.04.2017**

33. Thereafter, G.O. (Ms) No.107, Health & Family Welfare (N1) Department, dated 13.04.2017 came to be issued, whereby, the Government accepted the above proposal of the Director of Public Health and Preventive Medicine and authorized the Director of Public Health and Preventive Medicine, to:-

- i. approve the new guidelines and syllabus for 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 above said course conducted by Private Institutions / Trust / Universities / Deemed Universities including Gandhigram Rural Institute; and
- iii. Conduct the above examinations as Chairman, Board of Examinations for the courses conducted by the above institutions.

Meeting dated 01.06.2017

34. Based on the above authorisation of the Governments vide G.O. (Ms) No.107, Health & Family Welfare (N1) Department, dated



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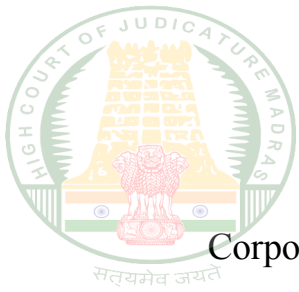
13.04.2017, a meeting of Board of Examinations for Multi Purpose Health Worker (Male) / Health Inspector / Sanitary Inspector Courses was convened by Chairman, Board of Examinations, on 01.06.2017 and in the said Meeting, it was resolved as follows:-

5. Resolved that the members of Board would recognize and approve the course certificates of the candidates who have undergone one year S.I / H.I course at the unapproved institutions, as 'one time measure' up to 31.03.2017. If the candidates found eligible then the list will be sent to Government for approval. Based on the approval of the Government, the concerned departments may appoint the candidates if they are otherwise eligible as per rules. Immediately after appointment the candidates studied in the "unapproved institutions (1 year course)" should undergo three months training in the Regional Training Institutions of the DPH & PM and should pass the Qualifying Examination conducted by the Board of Examination at the end of the course for regularizing their services.

35. Minutes of the Board Meeting was sent to the Government for approval.

R.No.14718/Trg/S4/2016, dated 11.09.2017

36. During the period, the Commissioner, Greater Chennai



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Corporation, Chennai, vide letter dated 01.09.2017 bearing reference No.PHD/C2/4332/2017, has requested clarifications regarding the appointment of individuals who have got their Sanitary Inspector Course Diploma in unapproved Institute, based on the order dated 19.07.2017 of this Court in W.P.No.2115 of 2016 filed by J.Sharmila and 40 others who pursued their qualifications in WASH Institute, Kodaikanal (Category 2) for a direction to appoint them in Corporation of Chennai.

37. Therefore, vide above letter dated 11.09.2017 bearing R.No.14718/Trg/S4/2016, the Director of Public Health and Preventive Medicine requested the Principal Secretary to Government, Health and Family Welfare (L1) Department, to issue necessary orders regarding the above issue.

Impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017

38. The impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017 was issued by the Commissioner of Municipal Administration calling for the applications from candidates, for filling up 110 vacancies to the posts of Sanitary Inspectors/Health Inspectors in



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various Municipalities governed by Tamil Nadu Municipal Public Health Service Regulations, 1970, based on the prevailing qualifications.

39. Under these circumstances, some of these Writ Petitions came to be filed by candidates who obtained qualifications from Madurai Kamaraj University (Category 4) and WASH Institute affiliated to Madurai Kamaraj University (Category 2), against the qualifications mentioned in the impugned Recruitment and by candidates who pursued their qualifications in Gandhigram Rural Institute (Deemed to be University) to direct the official respondent to not to consider the certificates granted by either the Madurai Kamaraj University or WASH Institute while processing the recruitment.

Further Development:-

40. As mentioned above, thereafter, interim order dated 19.01.2018 in W.P.No.1162 of 2018 and interim order dated 07.02.2018 of 2467 of 2018 came to be passed with direction to accept applications of the petitioners in the said Writ Petitions. Thereafter, by another interim order dated 31.07.2018, this Court directed to proceed further with the

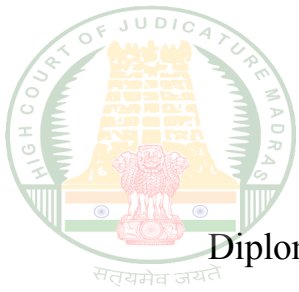


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recruitment process. The said interim orders were later vacated by an interim order dated 25.04.2019.

41. Against the said interim order dated 25.04.2019, the petitioners preferred an appeal before the Division Bench of this Court in W.A.Nos.1821 to 1823 of 2019. By an interim order dated 18.06.2019 in the above Writ Appeals, the Division Bench of this Court has held that the Committee constituted by the Government vide G.O.Ms.No.91, Municipal Administration and Water Supply (MC3), dated 11.02.2015, has not taken any serious efforts to decide the question of equivalence. Therefore, the said Committee was directed to issue of equivalence taking into account the subject of study, syllabus and all other material factors. The Principal Secretary, Municipal Administration Department was directed to offer the view of the Government in respect of the issue, for passing further orders.

42. The Division Bench of this Court, vide another interim order dated 03.07.2019, directed the Government to constitute an Expert Committee to take a decision on whether the syllabus of Post Graduate



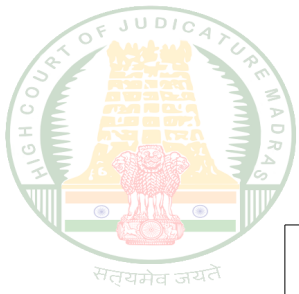
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Diploma in Environmental Sanitation Science of the WASH Institute is equivalent to the Sanitary Inspector Court offered by the Additional Director of Health Service and Family Planning, Chennai and Medical College, Trivandrum and Director of Public Health, Bombay and Sanitary Inspector Certificate Course awarded by the Gandhigram Rural Institutions, Dindugal?

43. The Division Bench also directed the Expert Committee to consider the certificates of appellants therein (the petitioners herein) and other similarly situated candidates and file a report by 02.08.2019.

G.O.(D) No.278, Municipal Administration and Water Supply [ME.3] Department, dated 19.07.2019

44. Pursuant to the aforesaid order dated 03.07.2019 of the Division Bench in W.A.Nos.1821 to 1823 of 2019 dated 03.09.2019, the Government has constituted an Expert Committee vide G.O.(D)No.278, Municipal Administration and Water Supply [ME.3] Department, dated 19.07.2019, whereby, the following members were appointed to decide the issue relating to Qualification/Sanitary Inspector Syllabus:-



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1	Commissioner of Municipal Administration	Chairman cum Convenor
2	Commissioner, Greater Chennai Corporation	Member
3	Director of Town Panchayats	Member
4	Director of Public Health and Preventive Medicine	Member
5	Deputy Director (Health), Office of the Commissioner of Municipal Administration	Member

Report of the Expert Committee 30.07.2019.

45. The Expert Committee Constituted vide G.O.(D)No.278, Municipal Administration and Water Supply [ME.3] Department, dated 19.07.2019, in terms of the order dated 03.07.2019 of the Division Bench of this Court in W.A.Nos.1821 to 1823 of 2019, made its report on 30.07.2019 which reads as under:-

The Expert Committee met on 30.07.2019 @ 03.00 PM at the office of the Commissioner of Municipal Administration, MRC Nagar, Chennai-28 and the following members participated.

1. Dr.D.Karthikeyan I.A.S.
Commissioner of Municipal Administration
2. Thiru G.Prakash I.A.S.,
Commissioner, Greater Chennai Corporation
3. Thiru S.Palanisamy I.A.S.,



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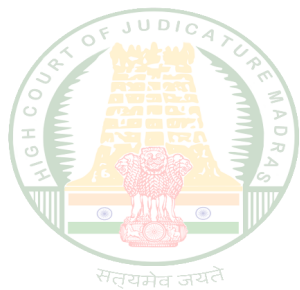
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Director of Town Panchayat

4. Dr.M.Sangeetha,
Deputy Director (Health) Commissionerate of
Municipal Administration

The Committee perused the syllabi of Gandhigram Rural Institute and Water Sanitation and Hygiene Institute and Certificates of respective Institutes, to take a decision on whether the syllabus of Post Graduate Diploma in Environmental Sanitation Science of the WASH Institute is equivalent to the Syllabus of Sanitary Inspector Course offered by the Additional Director of Health Service and Family Planning, Chennai, Medical College, Trivandrum, Director of Public Health, Bombay and Sanitary Inspector Certificate Course awarded by the Gandhigram Rural Institute, Dindigul.

Sl. No.	Category	Gandhigram Rural Institute		WASH Institute	
1	Duration of Course	1 year		1 year	
2	Semester -1		Marks		Marks
i)	Theory Papers	5	500	3	300
ii)	Practical	3	300	1	100
iii)	Village Placement Programme	1	50	--	--
iv)	Gandhi in Everyday life	1	50	--	--
	Total		900	Total	400
3	Semester - II		Marks		Marks
i)	Theory Papers	4	400	2	200
ii)	Practical	2	200	1	100
iii)	Elective	2	100	---	---

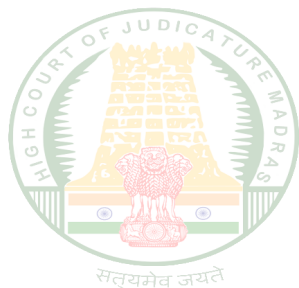


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iv)	Concurrent Field Training (CFT)	1	100	---	---
v)	Supervised Field Training (SFT)	1	100	---	--
vi)	Project and Viva voce	---	---	1	100
	Total		900		400
4	Exam Paper Comparison Semester - I				
i)	Paper - I	Biological Science I Anatomy and Physiology	100	Biological Science	100
ii)	Paper – II	Biological Science II Medical Entomology and Parasitology and Microbiology	100	Communicable Disease Control	100
iii)	Paper – III	Epidemiology of communicable and non communicable Disease Control	100	Environmental Sanitation Behavioural Sciences and Health Education	100
iv)	Paper-IV	Environmental Sanitation	100	----	---
v)	Paper – V	Behavioural Sciences and Health Promotion	100	---	---
vi)	Practical-1	Biological Science I Anatomy and Physiology	100	Practical-1 (No specific subject mentioned)	100
vii)	Practical-2	Biological Science II Medical	100	---	---

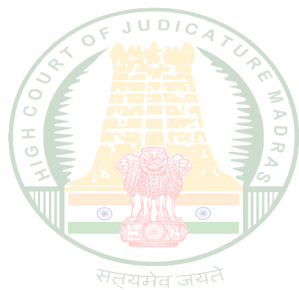


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		Entomology and Parasitology and Microbiology			
viii)	Practical-3	Epidemiology of communicable and non communicable Diseases Control	100	---	---
ix)		Village Placement Programme			
x)		Gandhi in Everyday Life	100	---	---
		Total	900	Total	400
5	Exam paper comparison Semester-II				
i)	Paper-I	Special Sanitation Problems	100	Public Health Administration & Special Sanitation Problems	100
ii)	Paper-II	Public Health Administration	100	Food & Nutrition & National Health Programs	100
iii)	Paper – III	Food & Nutrition & MCH	100	---	---
iv)	Paper – IV	Environmental Science	100	---	---
v)	Practical-1	Environmental Sanitation	100	---	---
vi)	Practical-2	Food & Nutrition & MCH	100	---	---
vii)	Elective-1	Solid Waste Management	100		
vii)	Elective-2	Emergency care in		---	---



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		Disasters and First Aid Theory			
ix)	CFT	Concurrent Field Training (CFT)	100	Concurrent Field Training CFT & Field Observation Visits	100
x)	SFT	Supervised Field Training (SFT)		---	---
	Project & Viva Voce	----	----	1	100
		Total	900	Total	400

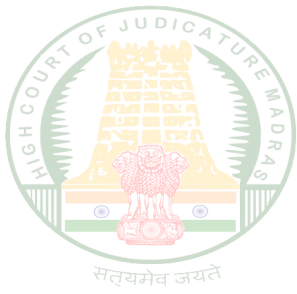
SYLLABUS

Regarding the syllabus, the Gandhigram Rural Institute has no more elaborate and exhaustive syllabus whereas the syllabus of Water Sanitation and Hygiene Institute syllabus is simple.

EXAM PAPERS

Gandhigram Rural Institute has more number of exam papers than the Water Sanitation and Hygiene Institute. In the First Semester there are 5 theory papers prescribed by Gandhigram Rural Institute whereas only 3 theory papers have been prescribed by WASH Institute also. Also there are 3 practical exams and “Village Placement Programme” & “Gandhi in Everyday Life” in Gandhigram Rural Institute and only one Practical exam in WASH institute during the First Semester. Gandhigram Rural Institute is having a total of 900 marks where as in WASH Institute has only 400 marks.

In the Second semester, Gandhigram Rural



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Institute has 4 theory papers, 2 practicals, 2 Elective Major and Concurrent Field Training (CFT) & Supervised Field Training (SFT) with a total of 900 marks. Where as in WASH Institute there are only 2 theory papers, 1 Practical, and 1 Project and viva voce for only 400 marks.

CERTIFICATES

The Expert committee also examined the certificates of the appellants and other candidates. As per the Tamil Nadu Municipal Public Health Service Regulations 1970, Rule 6, prescribes the qualification for Health Inspector / Sanitary Inspector as follows:

“Must possess B.Sc., (Chemistry) with a Sanitary Inspector’s Certificate granted by the Additional Director of Health Services and Family Planning, Chennai as the Chairman, Board of Examiners, Constituted by Government in this behalf; or must possess a Health Inspector’s certificate awarded by the Principal, Medical College, Trivandram or must possess a Sanitary Inspector’s Certificate awarded by the Director of Public Health, Bombay; or Sanitary Inspector Certificate awarded by the Gandhigram Rural Institute”.

The number of applications received with different type of Certificates is shown below.

1. B.Sc Chemistry with Gandhigram Rural Institute Certificate – 331 (Recognized)
2. B.Sc Chemistry with WASH Institute Certificate – 91 (Un recognized)
3. B.Sc Chemistry with Certificate of Other Institutes – 304 (Un recognized)



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4. Other qualification – 110

The Committee opined that the role of Sanitary Inspectors is a vital role in public health aspects in local bodies.

The Sanitary Inspector of local bodies is responsible for the overall control and prevention of communicable diseases. They have to scrupulously manage solid waste, plastic waste management, supervise diligently dengue control activities. Field inspection to inspect proper segregation and disposal of daily house refuse and organic matter. They have to inspect public latrines, urinals, market restaurant, slaughter houses, and ensure proper maintenance and disposal of refuse. They have direct bearing on the Public Health of Citizens and therefore it is a very sensitive post than all other Government posts.

The Expert committee is of the opinion that the syllabus for the Post Graduate Diploma offered by WASH Institute in Environmental Sanitation Science is not equal to the syllabus of Sanitary Inspector Post Graduate Diploma Course of Gandhigram Rural Institute.

46. However, when the above meeting was held on 30.07.2018, the Director of Public Health and Preventive Medicine was not present. Therefore, once again, the meeting was held on 16.08.2019. After examining the syllabus of the institutions, the four of the members of Expert Committee constituted G.O.(D)No.278, Municipal Administration

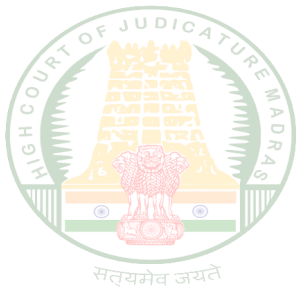


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and Water Supply [ME.3] Department, dated 19.07.2019, were of the opinion that syllabus for the Post Graduate Diploma in Environmental Sanitation Science offered by the Water Sanitation and Hygiene Institute (WASH Institute – Category 2) was not equal to the Sanitary Inspector's Post Graduate Diploma Course of Gandhigram Rural Institute (Category 1). The remarks of the four members of the Committee reads as under:-

Maintenance of Public Health of a City / Town is one of the critical areas of Local Governance and the role of Sanitary Inspectors is very important in prevention of epidemics, sanitation of the town, disposal of different types of wastes, control of communicable diseases and the Sanitary Inspector plays a pivotal role in the maintenance of the community health. The duties and responsibilities of a Sanitary Inspector includes but not limited to the removal of all organic matter, house refuse and street sweepings, systematic stacking of rubbish and maintain in good order and also inspect all Public Latrines, Urinals, Drainages, Street cesspools and incinerators and should inspect Dwelling houses, Water Supply, Communicable Disease Control, Disposal of the dead, inspect the cleanliness all bathing ponds and slum areas and Slaughter House, Plastic Waste Management and Dengue control activities besides discharging the duties of Birth & Death Registrar.

Considering the onerous duties and responsibilities of a Sanitary Inspector and the ever increasing expectations of the urban populace in the



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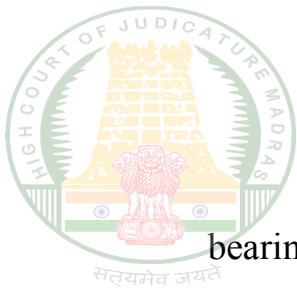
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upkeep of Public Health and to meet the modern day challenges, the Expert Committee is of the considered opinion that the syllabus for the Post Graduate Diploma offered by WASH Institute in Environmental Sanitation Science neither meet the requirements of the Urban Governance nor equal to the syllabus of Sanitary Inspector Post Graduate Diploma Course of Gandhigram Rural Institute as well as Director of Public Health.

Finally, the Expert Committee has come to the conclusion that the syllabus and the Certificate of Post Graduate Diploma by WASH Institute is not equal to the PG Diploma offered by the Gandhigram Rural Institute and also not equal to the syllabus prescribed by DPH and the candidates passed from the WASH Institute are not suitable for the duties and responsibilities expected from their prospective employer (i.e.) the Urban Local Bodies.

47. At the same time, the fifth member namely, Dr.K.Kolandaiswamy, the Director of Public Health and Preventive Medicine was of the view that the course contents and syllabus are similar in all three institutions. He further remarked that Gandhigram Rural Institute has non-communicable disease as an additional content.

48. The Dr.K.Kolandaiswamy, the Director of Public Health and Preventive Medicine has given the separate opinion differing with the views of four other 4 members vide Communication dated 16.08.2019



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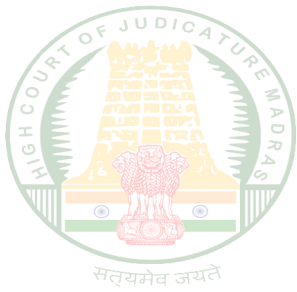
bearing reference R.No.039371/Trg./S1/2017.

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49. Dr.K.Kolandaswamy the Director of Public Health and Preventive Medicine in his report dated 16.08.2019, who has differed with the views of the other members of the Expert Committee constituted, made a comparison which reads as under:-

Comparison of syllabus for courses conducted by Gandhigram Rural Institute, WASH Institute and Directorate of Public Health & Preventive Medicine, Tamil Nadu as per directions of Hon'ble High Court of Madras.

Criteria	Gandhigram Rural Institute	WASH Institute	Sanitary Inspector / Health Inspector / MPHW course by DPH & PM
Course title	Post Graduate Diploma in Sanitary Inspectors' course (PGDSI)	Post Graduate Diploma in Environmental Sanitation Science Course	Sanitary Inspector / Health Inspector / Multipurpose Health Worker (Male)
Basic Eligibility	Pass in B.Sc. Chemistry only with higher secondary Biology / Botany & Zoology	Pass in B.Sc. Chemistry / Food Technology / Science subjects (Botany / Zoology / Physics)	SSLC before 2017 HSC since 2017
Duration of course	One Year	One Year	One Year before 2017 Two Years
Affiliation	Deemed to be university	Affiliated to Kamaraj	Recognized by Government of



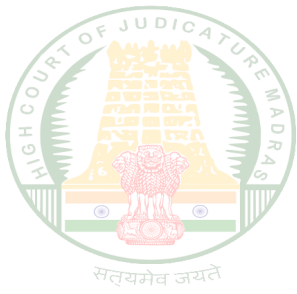
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		University, Madurai	Tamil Nadu
Syllabus	1. Biological science – Anatomy, Physiology, Medical Entomology, Parasitology and Microbiology 2. Epidemiology of Communicable & Non-Communicable Diseases Control 3. Environmental sanitation 4. Behaviour sciences and Community Health 5. Biological Science – Practical – Epidemiology of Communicable & Non-communicable	1. Biological science 2. Communicable Disease Control 3. Environmental Sanitation Behavioural science and Health Education 4. Public Health Administration & Special Sanitation Problems 5. Food & Nutrition & National Health Programmes 6. Concurrent Field Training 7. Field Observation Visits 8. Projects	1. Introduction 2. Elementary Bacteriology and Parasitology 3. Sanitation and Hygiene 4. Preventive Medicine including Vaccination 5. Vital Statistics 6. Public Health Administration 7. First Aid 8. Practical Field Training in Public Health

50. Against the Expert Committee Report dated 16.08.2019, some of these Writ Petitions came to be filed.

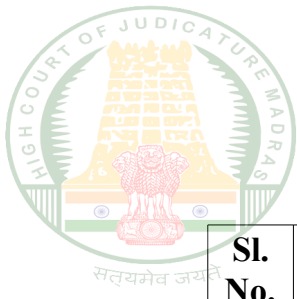


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51. Meanwhile by a letter dated 23.10.2019 bearing reference Roc.No.20746/J1/2019, the Commissioner of Municipal Administration, Chennai called for candidates sponsored by the Employment Exchange together for an Oral Interview on 14.11.2019.

52. A total of about 873 applications were received in response to Newspaper Advertisement and Notices mentioned therein. About 493 applications were received from the Employment Exchange. About 449 candidates were shortlisted for the interview as detailed below:

Sl. No.	Name of the Institute	Total no of applications received through news papers advertisement	Total no of applications received through Employment Exchange	No of candidates shortlisted & called for interview
1	Gandhigram Rural Institute	333	322	333
2	Wash Institute	97	55	-
3	Candidates from unknown Institutes Name	-	115	115
4	Candidate from Ex-Service man exchange		1	1
5	Other Institutes	443	-	-



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Sl. No.	Name of the Institute	Total no of applications received through news papers advertisement	Total no of applications received through Employment Exchange	No of candidates shortlisted & called for interview
Total		873	493	449

53. Thus, candidates from WASH Institute (Category 2) and Madurai Kamaraj University (Category 4) were not shortlisted for interview. Aggrieved by the same, some of these Writ Petitions came to be filed.

54. After these cases were reserved on 27.10.2021 for passing orders, G.O.(Ms) No.45, Higher Education (K1) Department, dated 19.04.2022 was issued, content of which has been extracted earlier.

Part No.5 - Letter / Proceedings and etc. referred to in the reliefs sought for in these Writ Petitions.

Sl. No.	Order / Letter / G.O. and etc. dated	Reference No.	Reference in Category
1	25.01.2016	Letter.No.21349/Ma.Na.3/2015-3	Category 1



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Sl. No.	Order / Letter / G.O. and etc. dated	Reference No.	Reference in Category
2	13.04.2017	G.O.Ms.No.107, Health and Family Welfare (N1) Department	Category 4
3	30.12.2017	Notification No.17624/2017/J1	Category 2 & 4
4	04.09.2018	Letter No.20490/MC3/2017-3	Category 2 & 4
5	12.09.2018	Roc.No.17624/2017/J1	Category 4
6	20.09.2018	Letter No.P.H.D.C.No.C2/5107/2018	Category 2 & 4
7	12.04.2019	R.No.025087/Trg/S4/2019	Category 3
8	30.04.2019	U.O.Note.No.6488/K2/2019-1	Category 4
9	19.07.2019	G.O.(D) No.278, Municipal Administration and Water Supply (ME-3) Department	Category 2
10	26.07.2019	R.No.025087/Trg/S4/2019	Category 3
11	30.07.2019	Report of Expert Committee	Category 2
12	16.08.2019	R.No.039371/Trg/S1/2017	Category 2 & 4
13	23.10.2019	Roc.No.20746/J1/2019	Category 3 & 4

55. Some of the impugned orders have been issued during the pendency of some of these Writ Petitions before this Court. They have also been challenged in some of these Writ Petitions.

Sl.No.1 - Letter.No.21349/Ma.Na.3/2015-3, dated 25.01.2016

56. A communication dated 25.01.2016 bearing reference Na.Ka.No.21349/Ma.Na.3/2015-3 has been addressed by the Principal



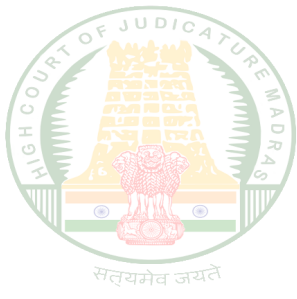
W.P.Nos.31501 of 2019 etc. batch

Secretary, Municipal Administration and Water Supply Department,
Chennai to the Chief Secretary cum Commissioner, Chennai Corporation,
Chennai – 3. By the aforesaid communication dated 25.01.2016, the letter
/ request of the Chief Secretary cum Commissioner dated 11.12.2015 was
considered and disposed.

57. In the said communication dated 25.01.2016, it was informed
that in the Review Committee Meeting held on 13.07.2015, it was decided
that the Sanitary Inspector's Certificate granted by the Director of Public
Health and Preventive Medicine and by the Gandhigram Rural Institute
alone should be considered as qualified certificate for the post of Sanitary
Inspector / Health Inspector in local bodies.

58. Paragraph 3 of the said letter dated 25.01.2016 reads as under:

“மேற்காணும் பொருள் தொடர்பாக, 13.07.2015 அன்று
நடைபெற்ற ஆய்வுக் குழுவின் கூட்டத்தில்,
தற்போதைக்கு பொது சுகாதாரம் (ம) நோய் தடுப்பு
மருந்து துறை இயக்குநரால் அங்கீகரிக்கப்பட்ட
சுகாதார ஆய்வாளர் சான்றிதழ் மற்றும் காந்தி கிராம
கிராமிய பல்கலைக் கழகத்தால் வழங்கப்படும்
சுகாதார ஆய்வாளர் படிப்பில் முதுகலை பட்டய
சான்றிதழ் ஆகியவைகளை மட்டும் உள்ளாட்சி
அமைப்புகளில் சுகாதார ஆய்வாளர் / துப்புரவு
ஆய்வாளர் ஆகிய பணியிடங்களில்



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பணியிலமர்த்துவதற்கு
சான்றிதழ்களாக
தீர்மானிக்கப்பட்டது.”

தகுதி
கருதலாம்

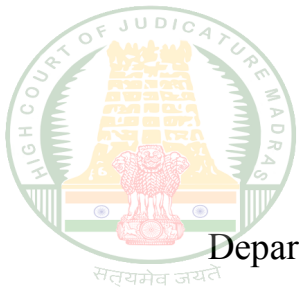
வாய்ந்த
என்று

**Sl.No.2 - G.O.(Ms) No.107, Health and Family Welfare (N1)
Department, dated 13.04.2017**

59. By G.O.(Ms) No.107, Health and Family Welfare (N1) Department, dated 13.04.2017, the Government of Tamil Nadu accepted the proposal of the Director of Public Health and Preventive Medicine vide Letter No.31122/Trg./S4/2014 dated 23.07.2016 and 20.11.2016 and accordingly the Government authorized 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 above said courses conducted by Private Institutions / Trust / Universities / Deemed Universities including Gandhigram Rural Institute; and
- iii. conduct the above examination as Chairman, Board of Examinations for the courses conducted by the above institutions.

60. The above proposal was sent by the Director of Public Health and Preventive Medicine based on the recommendation of the Committee constituted vide G.O. (Ms) No.91, Municipal and Water Supply (MC III)

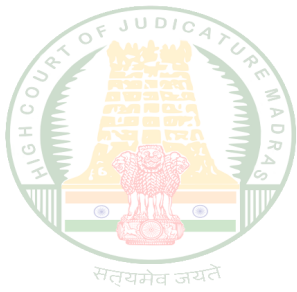


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Department dated 11.02.2015, to scrutinize the certificate issued by the new panel of organizations to fill up the post of Health Inspectors / Sanitary Inspector / Sanitary Supervisor in the local bodies / Corporation / Municipalities / Town Panchayat / Panchayat Union comprising the following officials.

1	The Principal Secretary to Government Municipal Administration and Water Supply Department	President
2	The Secretary to Government, Rural Development and Panchayat Raj Department	Member
3	The Principal Secretary to Government / Commissioner, Corporation of Chennai	Member
4	The Managing Director, Municipality	Member and Convener
5	The Director, Town Panchayat	Member
6	The Director of Public Health and Preventive Medicine, Chennai – 6	Member

61. In the said G.O.(Ms) No.107, Health and Family Welfare (N1) Department, dated 13.04.2017, a reference was made to the G.O.(Ms) No.2087, Education and Public Health, dated 04.09.1961. By the said G.O.(Ms) No.2087, Education and Public Health, dated 04.09.1961, the certain amendments were made to the Public Health Establishment (Local Authorities) Regulations, 1940, to which there shall be a reference.



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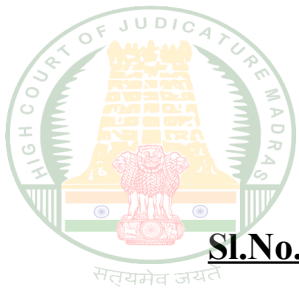
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Sl.No.3 - Notification No.17624/2017/J1, dated 30.12.2017

62. Notification No.17624/2017/J1, dated 30.12.2017 is the recruitment Notification calling for applications to the post of Sanitary Inspector in various Municipalities governed under the Tamil Nadu Public Health Service Regulations, 1970. In the said Recruitment Notification dated 30.12.2017, the qualifications prescribed for the post of Sanitary Inspector, has been given as follows:-

- i. Must Possess B.Sc., (Chemistry) with a Sanitary Inspector's Certificate Granted by the Additional Director of Health and Family Planning, Chennai as the Chairman, Board of Examiners, Constituted by Government in this behalf (or)
- ii. Must a Health Inspector's Certificate awarded by the Principal, Medical College, Trivandrum (or)
- iii. Must Possess a Sanitary Inspector's Certificate awarded by the Director of Public Health Bombay (or)
- iv. Sanitary Inspector Certificate awarded by the Gandhigram Rural Institute and must Possess Physical Fitness for camp life and satisfy the Physical Standard Prescribed for Health Inspector.

This has been impugned by the petitioners in Category 2, 3 & 4.



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Sl.No.4 - Letter No.20490/MC3/2017-3, dated 04.09.2018

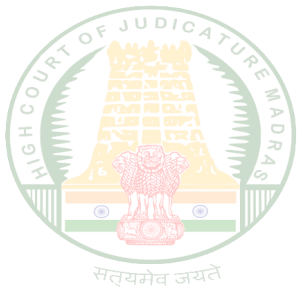
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63. Pursuant to the order dated 07.02.2014 in W.P.No.3301 of 2014 and interim orders dated 21.07.2018 of this Court in W.P.Nos.1162 & 2467 of 2018 (two of the present Writ Petitions), Letter dated 04.09.2018 bearing reference Letter No.20490/MC3/2017-3 was issued by the Principal Secretary to Government.

64. The relevant portion of the said Letter No.20490/MC3/2017-3, dated 04.09.2018 reads as under:-

10. A meeting was conducted on 23.08.2018 by the Principal Secretary, Municipal Administration and Water Supply Department with the Director of Public Health and Preventive Medicine, Commissioner of Municipal Administration, Commissioner, Greater Chennai Corporation and Director of Town Panchayats. As per the direction of the Hon'ble Court, the matter has been examined in detail. Due to various reasons listed in paras above, it was decided to follow the rules / norms in force when process of recruitment was initiated.

11. Your are requested to give a suitable reply to the petitioners as decided above in order to comply the directions of the Hon'ble High Court of Madras dated 31.07.2018 in W.P.Nos.1162 and 2467 of 2018.



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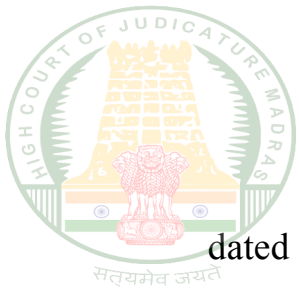
12. The Commissioner of Municipal Administration is requested to file a compliance affidavit indicating the decision of the Government on behalf of the Respondents before the Hon'ble High Court of Madras and to send compliance report to Government in this regard by 12.09.2018.

65. By the aforesaid communication, it was decided to follow the rules/norms when the process of recruitment was initiated and therefore, the official respondent were directed to file a suitable reply in W.P.No.1162 and 2467 of 2018 to intimate the same and to file a compliance report before this Court.

Sl.No.5 - Roc.No.17624/2017/J1, dated 12.09.2018

66. Roc.No.17624/2017/J1, dated 12.09.2018 has been issued by the Commissioner of Municipal Administration to one Mr.G.Rajalingam. The said Mr.G.Rajalingam had earlier filed W.P.No.3301 of 2014 for a direction to consider his representation for appointment to the post of Sanitary Inspector / Supervisor on the basis of P.G. Diploma Course in Environmental / Sanitation Science (Sanitary Inspector Course) conferred by the Madurai Kamaraj University through WASH Institute.

67. The said Writ Petition was disposed by this Court vide order



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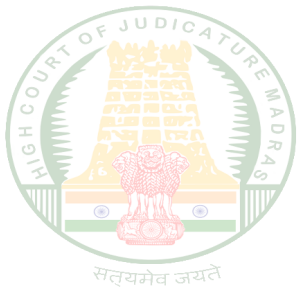
dated 27.01.2014 by the directing the respondents to consider his representation and dispose the same. Pursuant to the same, the above said Roc.No.17624/2017/J1, dated 12.09.2018 was issued rejecting the request of the said Mr.G.Rajalingam in the light of the decision of the Committee.

68. Relevant portion of the said Roc.No.17624/2017/J1, dated 12.09.2018 reads as under:-

In this regard the Principal Secretary to Government, Municipal Administration and Water Supply Department, conducted a meeting on 23.08.2018 with Commissioner of Municipal Administration, Greater Chennai Corporation, Director of Town Panchayat and Director of Public Health, as per the Directions of the Honourable High Court and having examined the matter in detail and due to various reasons listed in paras below, it was decided to follow the rules / norms in force.

1. In the instant case, the Sanitary Inspector certificates conferred to the petitioners by the WASH Institute is not recognised by the Government.

2. Moreover, the validity of the Post Graduate Diploma in Environmental Sanitation Course of the Madurai Kamaraj University through WASH Institute has been withdrawn by the Madurai Kamaraj University itself, vide their



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letter Ref.B-1 Bos / Equiv/2017 dated 17.10.2017.

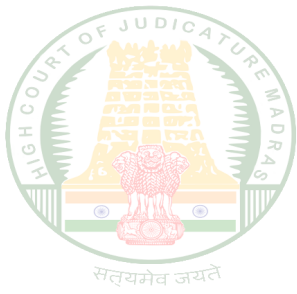
3. The Post Graduate Diploma in Environmental Science conferred by the Madurai Kamaraj University through the WASH Institute could not be treated as equivalent to the Sanitary Inspector course recognised by the Government.

4. The petitioners who studied Sanitary Inspectors course in a unrecognized institution cannot be considered equivalent to the course recognized by the Government as prayed for by the petitioners and therefore the petitioners are not eligible for the post of Sanitary Inspectors in Urban Local Bodies.

5. The Tamilnadu Municipal Public Health Service Regulation 1970, Rule 6 prescribed the qualification for Health Inspector / Sanitary Inspector as follows:

“Must possess B.Sc., (Chemistry) with a Sanitary Inspector’s Certificate granted by the Additional Director of Health Services and Family Planning, Chennai as the Chairman, Board of Examiners, constituted by Government in this behalf (or) must possess a Health Inspector’s Certificate awarded by the Principal, Medical College, Trivandrum (or) must possess a Sanitary Inspector awarded by the Director of Public Health, Bombay (or) Sanitary Inspector Certificate awarded by the Gandigram Rural Institute.”

6. As per the Tamil Nadu Municipal Public Health Service Regulation 1970, Rule 6



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Sanitary Inspector / Health Inspector Course is eligible. But the Petitioners not obtained Sanitary Inspector / Health Inspector Certificate course. They obtained only PG Diploma in Environmental Sanitation Science Course of Madurai Kamaraj Univeristy.

7. The Petitioners in W.P.No.3301/2014 have not obtained the essential qualification prescribed as mentioned in the Tamil Nadu Municipal Public Health Service Regulation 1970. Hence, they are not eligible for the post of Sanitary Inspector in Municipalities.

In the light of decision taken by the Committee on the reasons aforesaid, the request of the petitioners cannot be considered as they are not qualified as per the requirements of Rule 6 of the Tamil Nadu Municipal Public Health Service Regulation 1970 and it is also reiterated that the Rules cannot be relaxed retrospectively exclusively to fit in the petitioners.

Sl.No.6 – Letter No.P.H.D.C.No.C2/5107/2018, dated 20.09.2018

69. Pursuant to the orders of this Court in W.P.No.2115 of 2016 and W.P.Nos.1162 & 2464 of 2018 (Category 4) and W.P.No.1490 of 2017 (filed by one Mr.Thangadurai and others), the said Letter No.P.H.D.C.No.C2/5107/2018, dated 20.09.2018 was issued by the Commissioner, Greater Chennai Corporation, wherein, the request of the persons who filed the above Writ Petitions was rejected stating that the



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request of the petitioners cannot be considered as they are not qualified as per the requirements of Greater Chennai Corporation, Health, Malaria and Family Welfare Subordinate Service Bye-Laws, 2009.

70. Relevant portion of the said Letter

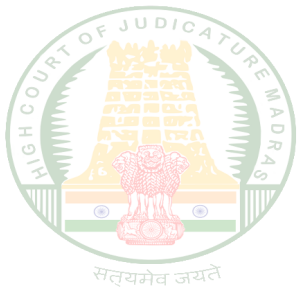
No.P.H.D.C.No.C2/5107/2018, dated 20.09.2018 reads as under:-

5. Now, as per the existing rules in force, the following qualification are prescribed for appointment to the Post of Sanitary Inspector in Greater Chennai Corporation, Health, Malaria and Family Welfare subordinate Service Bye-Laws 2009, which reads as follows:-

- “4. Passed in B.Sc. Degree with Chemistry as Main Subject.
- 5. P.G. Diploma in Sanitary Inspector Course conducted by Government and Institutions recognized by Government.
- 6. Any certification in computer courses.”

6. The Petitioners in W.P.No.1490 of 2017 and W.P.No.1162 and 2467 of 2018 have not obtained the essential qualification prescribed as mentioned in the above Bye – law of Health and Family Welfare Department, Greater Chennai Corporation.

In the light of decision taken by the Committee on the reasons aforesaid, the request of the petitioners cannot be considered as they are not



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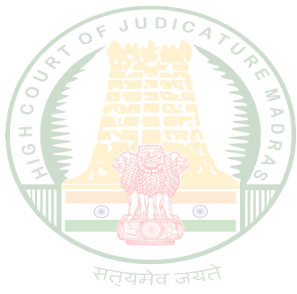
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qualified as per the requirements of Greater Chennai Corporation, Health, Malaria and Family Welfare subordinate service Bye-Laws – 2009 and that the Rules cannot be relaxed exclusively to fit in the petitioners, with retrospective effect.

Sl.No.7 - R.No.025087/Trg/S4/2019, dated 12.04.2019

71. By the above order dated 12.04.2019 bearing reference R.No.025087/Trg/S4/2019, the Director of Public Health and Preventive Medicine, Chennai, has rejected the request dated 04.03.2019 of the petitioner in the present W.P.No.27043 of 2019 for appointment of Health Inspector Grade II on the ground that as per G.O.Ms.No.232, Health and Family Welfare (L1) Department, dated 17.10.2013, the nomenclature of the post of Health Inspector Grade II has been changed as Multi Purpose Health Worker (Male) and the following qualifications were prescribed for recruitment for the post of Multi Purpose Health Worker (Male):-

- i. Must have passed Plus two with Biology or Botony and Zoology.
- ii. Must have passed Tamil language as a subject in SSLC Level.
- iii. Must possess one year Multi Purpose Health Worker (Male) training course certificate granted by the Director of Public Health and Preventive



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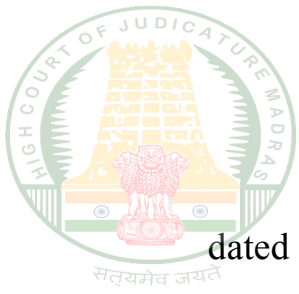
Medicine conducted in the Government training centre or institutions approved by the Director of Public Health and Preventive Medicine.

72. Further, in the above order dated 12.04.2019 bearing reference R.No.025087/Trg/S4/2019, it was referred that taking due consideration of the change of nomenclature of the post and revised qualifications for the post of MPH(W)(Male) as amended vide G.O.Ms.No.232, Health and Family Welfare (L1) Department, dated 17.10.2013, the Hon'ble Division Bench of this Court vide order dated 06.06.2017, has directed as follows:-

“... It is made clear that persons who apply in future, for the said post, the amendment introduced would be binding with regard to qualifications as well as nomenclature of the post. Therefore, it is needless to say that for future appointments, the candidates must possess qualification as indicated in the G.O.(Ms).No.232, Health (L1) Department dated 17.10.2013 which introduces the amendment.

Sl.No.8 - U.O.Note.No.6488/K2/2019-1, 30.04.2019

73. The above Office Note dated 30.04.2019 bearing reference U.O.Note.No.6488/K2/2019 -1 has been addressed by the Deputy Secretary, Higher Education (K2) Department, to the Health and Family Welfare Department, wherein, the Letter dated 15.04.2019 and letter



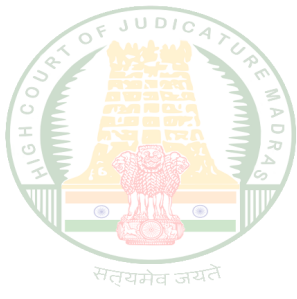
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dated 23.04.2019 of the Madurai Kamaraj University and of Mr.Manikandan and the students of WASH Institute, Namakkal District were directed to be sent to the Health and Family Department for taking necessary action as the subject matter relates to the said Department.

Sl.No.9 - G.O.(D) No.278, Municipal Administration and Water Supply (ME-3) Department, dated 19.07.2019

74. G.O.(D) No.278, Municipal Administration and Water Supply (ME-3) Department, dated 19.07.2019 was issued pursuant to the orders of this Court dated 25.04.2019 in a batch of Writ Petitions including W.P.Nos.1162 & 2467 of 2018 (Category 4) and dated 03.07.2019 in W.A.Nos.1821 to 1823 of 2019 against the interim order in W.P.Nos.1162 & 2467 of 2018. The Government constituted an Expert Committee with the following members to decide the issue relating to the Sanitary Inspector syllabus and to take a decision on equivalence:-

1	Commissioner of Municipal Administration	Chairman - cum - Convenor
2	Commissioner of Greater Chennai	Member
3	Director of Town Panchayats	Member
4	Director of Public Health and Preventive Medicine	Member



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5	Deputy Director (Health), Office of the Commissioner of Municipal Administration	Member
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Sl.No.10 - R.No.025087/Trg/S4/2019, dated 26.07.2019

75. The Letter dated 26.07.2019 bearing reference R.No.025087/Trg/S4/2019 was issued by the Director of Public Health and Preventive Medicine, Chennai, in response to the representation dated 23.05.2019 of the petitioner in W.P.No.27048 of 2019 (Category 3). In the said Letter, the request of the said petitioner for the appointment to the post of Health Inspector Grade II was rejected, on the ground that the candidates must possess qualification as indicated in the G.O.Ms.No.232, Health (L1) Department, dated 17.10.2013 which introduces the amendment.

Sl.No.11 - Report of Expert Committee, dated 30.07.2019

76. The Expert Committee constituted vide G.O.(D) No.278, Municipal Administration and Water Supply (ME-3) Department, dated 19.07.2019, after comparing the Syllabus and Exam (Theory & Practical) of the P.G. Diploma in Environmental Sanitation Science offered by the



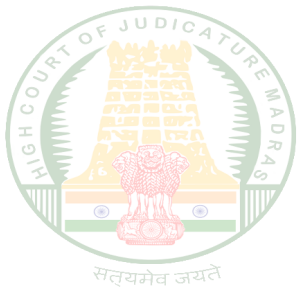
W.P.Nos.31501 of 2019 etc. batch

WASH Institute (Category 4) with the P.G. Diploma in Environmental Sanitation Science offered by the Gandhigram Rural Institute (Category 1) which was already recognized by the Government for the post of Sanitary Inspector, opined that the syllabus for the Post Graduate Diploma offered by the WASH Institute in Environmental Sanitation Science (Category 2) was not equal to the syllabus for the Post Graduate Diploma in Environmental Sanitation Science offered by the Gandhigram Rural Institute (Category 1). The relevant portion of the said report reads as under:-

The committee opined that the role of Sanitary Inspectors is a vital role in public health aspects in local bodies.

The Sanitary Inspector of local bodies is responsible for the overall control and prevention of communicable diseases. They have to scrupulously manage solid waste, plastic waste management, supervise diligently dengue control activities. Field inspection to inspect proper segregation and disposal of daily house refuse and organic matter. They have to inspect public latrines, urinals, market restaurant, slaughter houses, and ensure proper maintenance and disposal of refuse. They have direct bearing on the Public Health of Citizens and therefore it is a very sensitive post than all other Government posts.

The Expert Committee is of the opinion that the syllabus for the Post Graduate Diploma offered by WASH Institute in Environmental Sanitation



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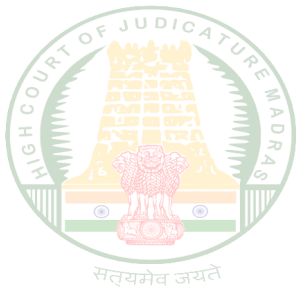
W.P.Nos.31501 of 2019 etc. batch

Science is not equal to the syllabus of Sanitary Inspector Post Graduate Diploma Course of Gandigram Rural Institute.

Sl.No.12 - R.No.039371/Trg/S1/2017, dated 16.08.2019

77. R.No.039371/Trg/S1/2017, dated 16.08.2019 is a communication of the Directorate of Public Health and Preventive Medicine to the Commissioner of Municipal Administration, Urban Administration, whereby, the Director of Public Health and Preventive Medicine submitted a comparison between the course offered by Gandhigram Rural Institute and the course offered by the Water Sanitation and Hygiene Institute (WASH Institute) (Category 2). Remarks given by the Director of Public Health and Preventive Medicine in the R.No.039371/Trg/S1/2017, dated 16.08.2019 is as follows:-

- i. Minimum eligibility criteria for the admission of the course in all the three institutions meet the prescribed qualifications.
- ii. Duration of the course is equal in all the three institutions (One Year).
- iii. Gandhigram Rural Institute has been affiliated to Gandhigram deemed University, WASH Institute has been affiliated to Kamaraj University and the



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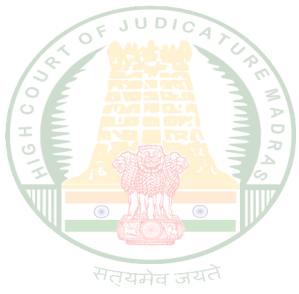
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Sanitary Inspector / Health Inspector / Multi Purpose Health Worker (Male) course of Directorate of Public Health & Preventive Medicine has been approved by the Government of Tamil Nadu.

- iv. The Course contents and syllabus are similar in all the three institutes. However, the Gandhigram Rural Institute has Non-communicable disease as additional content.

S.No.13 – Roc.No.20746 / J1 / 2019, dated 23.10.2019

78. Roc.No.20746 / J1 / 2019, dated 23.10.2019 is the interview letter issued to the candidates to be held on 14.11.2019 for the post of Sanitary Inspector, wherein, they were directed to produce certain documents including the P.G. Diploma in Sanitary Inspector Course Certificate issued by the Gandhigram Rural Institute, Dindigul District (Category 1). In the said interview, it has been stated that if a candidate fails to produce any one or more of the documents, i.e. including the P.G. Diploma in Sanitary Inspector Course Certificate issued by the Gandhigram Rural Institute, Dindigul District (Category 1), such candidate will be summarily rejected without further notice.



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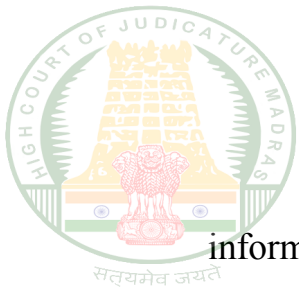
Part No.6 – Submission of the petitioners

**Submission in support of the Writ Petition in Category 1
(Gandhigram Rural Institute)**

79. It is submitted that the students who have completed PG Diploma in Sanitary Inspectors Course from Gandhigram Rural Institute – Deemed University Gandhigram are currently working in Government Primary Health Centres as Health Inspectors and Food Safety Officers at Block level. In addition, they are also working as Sanitary Inspectors in various local bodies of Government of Tamil Nadu

80. It is the submission of the petitioners from Gandhigram Rural Institute (Category 1) that affiliation of the WASH Institute given by the Madurai Kamaraj University was withdrawn and the WASH Institute was running an Institution illegally and therefore such certificate awarded was invalid for the purpose of employment.

81. It is submitted that the certificate issued by WASH Institute is neither a recognized certificate nor is valid in the eye of law. Therefore, the petitioner in W.P.(MD) No.12923 of 2018 has asked the various



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information from the Madurai Kamaraj University about the WASH Institute through RTI. It is submitted that the public information officer of the Madurai Kamaraj University has not furnished the same. W.P.(MD) No.4796 of 2018 was filed by the petitioner for a direction to furnish the details, pursuant to which, the Madurai Kamaraj University has given the information. After verifying the information given by the Madurai Kamaraj University, it was submitted that no such college or institution like WASH Institute was functioning.

82. It is submitted that on the basis of information furnished by the Madurai Kamaraj University, the WASH Institute is not having any recognition. It is submitted that without knowing the consequences, the students were joining the said Institute. The Principal Secretary, Municipal Administration and Water Supply Department, by his letter dated 25.01.2016, has categorically informed that as far as the new certificates awarded by fresh educational institutions are concerned, the concerned institution should have applied before the Director, Public Health and Preventive Medicine, Chennai and the same was to be considered by a newly constituted Committee. Till such time, only the



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certificates issued by the Director, Public Health and Preventive Medicine as well as the certificates issued by the Gandhigram Rural Institute alone have to be considered as eligible for the purpose of selection to the post of Sanitary Inspectors.

83. It is submitted that WASH Institute was offering the certificate without any recognition and therefore the students who studied in the said Institution cannot seek the appointment to the post of Sanitary Inspection.

84. It is therefore submitted that the official respondents are bound to take appropriate action against the WASH Institution for running the same without recognition. It is therefore prayed for allowing the Writ Petition in Category 1 and dismissal of other Writ Petitions in Category 2 to 4.

Submissions in support of the Writ Petitions in Category No.2 (WASH Institute)

85. It is submitted that the last amendment to the Public Health Establishment (Local Authorities) Regulations, 1940 was in the year 1961 vide G.O.Ms.No.2087, Education and Public Health Department dated 04.09.1961 as to the eligibility of Sanitary Inspectors for recruitment. The

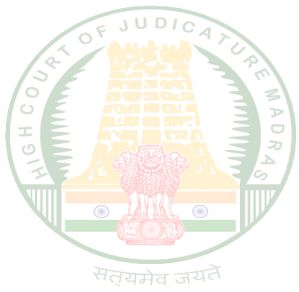


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said Rule has become redundant for the reasons that the Director of Public Health and Principal Medical College, Trivandrum is neither conducting the course nor issuing the certificate and that National Council for Rural Higher Education, New Delhi is also not issuing Certificate of Sanitary Inspectors from 1976 as it has also withdrawn its affiliation given to Gandhigram Rural Institute, Madurai. It is also submitted that the Gandhigram Rural Institute, Madurai has stopped conducting the said Sanitary Inspectors Certificate course from 1996.

86. It is submitted that the Sanitary Inspectors Certificate Course is not being conducted by the Gandhigram Rural Institute from 1996. Gandhigram Rural Institute was offering P.G. Diploma Course which is not approved by the Government.

87. It is further submitted that since the Director of Public Health, Bombay is not issuing Sanitary Inspector Certificate for a long period and no candidate has applied from Bombay, the possession of Sanitary Inspector Certificate awarded by the Director of Public Health, Bombay to the post of Sanitary Inspector, is redundant.

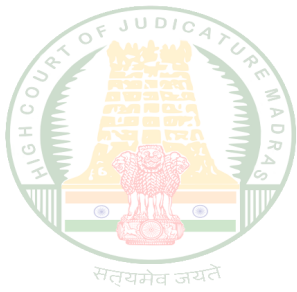


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88. It is submitted that on 06.03.2013, the Madurai Kamaraj University has granted certificate that P.G. Diploma in Environment Sanitation Science Course of Madurai Kamaraj University is equivalent to P.G. Diploma in Sanitary Inspector Course of Gandhigram Rural Institute (Deemed University).

89. It is further submitted that the equivalence certificate given by the Madurai Kamaraj University to the WASH Institute was withdrawn only on the ground that by Letter dated 24.06.2017, the Principal Secretary stated that Gandhigram Rural Institute has complained that equivalence certificate was given without consulting the Gandhigram Rural Institute. However, validity of the Sanitary Inspectors Course conducted by WASH Institute was not withdrawn.

90. It is submitted that Division Bench of this Court in W.A.Nos.1821 to 1823 of 2019, vide its Judgment dated 27.08.2019, has given a finding rejecting the contention of the respondents. A reference was made to paragraph No.3 in the Judgment dated 27.08.2019 of the Division Bench of this Court:-



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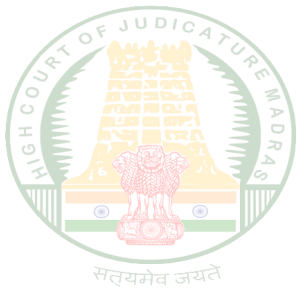
W.P.Nos.31501 of 2019 etc. batch

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 onetime 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



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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.

91. It is submitted that Validity of the Sanitary Inspectors Course conducted by WASH Institute has not been withdrawn. Only the equivalence certificate issued on 06.03.2013 was withdrawn which has been misunderstood by the authorities and has been taken as a main sole reason for excluding them from employment opportunity which now stands negated by G.O. (Ms.) No.45, Higher Education (K1) Department, dated 19.04.2022.

92. It is further submitted, for the past 40 years, the Government is not conducting any Sanitary Inspectors Course and is also not recognising any course from any institution. Only after the petitioners have move this Court, the Government issued G.O.Ms.No.91, Municipal Administration & Water Supply (MC3) Department and G.O.Ms.No.107, Health and Family Welfare Department, dated 13.04.2017 and has started approving the institutions for conducting the Sanitary Inspectors Course from the year 2017-2018 and the WASH Institute was also recognized from the



W.P.Nos.31501 of 2019 etc. batch

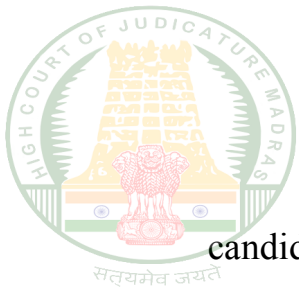
year 2019-2020.

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93. It is further submitted that as far as the past students who have passed earlier concerned, they are covered by the order dated 11.09.2017 of the Director of Public Health, wherein, as a onetime measure, all the students were eligible to be appointed provided that they undergo three months training and appear and pass out the examinations conducted by the Director of Public Health.

94. It is submitted that in so far as the Gandhigram Rural Institute is concerned, they have not been approved by the Government for the P.G.Diploma and they are conducting after the G.O.Ms.No.91, Municipal Administration & Water Supply (MC3) Department and G.O.Ms.No.107, Health and Family Welfare Department, dated 13.04.2017 have been issued.

95. It is submitted that it is surprising that the Municipal Administration and Government which should be role model and fair to everyone, is fighting tooth and nail to prevent one section of 110

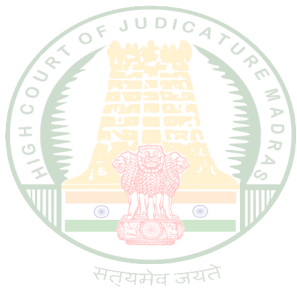


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candidates from WASH Institute from 2014 for entering employment for past 8 years, but, is fighting to give employment to candidates of Gandhigram Rural Institute based on an redundant regulations, knowing fully well that both institutions are in similar position with ulterior motives. Therefore, it is prayed for allowing the Writ Petitions in Category 2 and dismissal of the Writ Petitions in Category 1.

Submission in support of the Writ Petitions in Category 3 (All India Training Institute of Local Self Government)

96. It is submitted that the certificate issued by the All India Training Institute of Local Self Government is recognized by the Central Government and many of the State Governments. Earlier, the certificates obtained from the Institutions outside the Tamil Nadu were not recognized by the Government. After considering the representation given by the students of the said Institution, the Government has constituted a One Man Committee who filed a report stating that the infrastructure facilities and the syllabus followed in both the All India Training Institutes of Local Self Government outside the Tamil Nadu and inside the Tamil Nadu were equal.



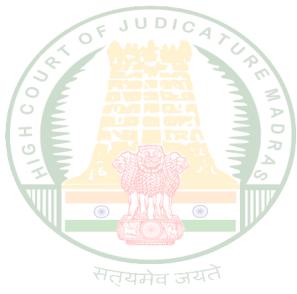
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97. It is further submitted that on the basis of the report of the One

Man Committee, the Director of Public Health and Preventive Medicine sent a letter dated 26.03.2008 recommending the Government that a onetime relaxation of Rule 5(b)(ii) of the Public Health Subordinate Service Adhoc Rules, may be granted to the 55 candidates who belonged to Tamil Nadu but studied outside the Tamil Nadu and that they may be appointed as Health Inspector Grade II in the existing vacancies.

98. Pursuant to the above letter dated 26.03.2008, the Government issued G.O.Ms.No.305, Public Health and Family Welfare Department, dated 22.09.2009. The said G.O.Ms.No.305, Public Health and Family Welfare Department, dated 22.09.2009 clearly stated that 1376 vacancies should be filled up in the following manner:-

- i. By calling candidates from the Employment Exchange along with the 55 persons who have obtained their diploma from the other Private Institutions outside the State and whose names are annexed to the Government Order in the ratio 1:5.
- ii. The appointments should be made by relaxing the Rules 5(b) of the Public Health Subordinate Service Adhoc Rules.
- iii. The candidates were to be appointed on mere



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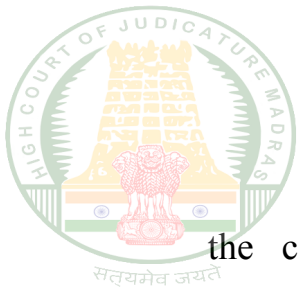
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verification of the Certificates and not on the basis of any selection.

iv. Communal rotation has to be followed.

99. It is further submitted that by an order dated 01.02.2019 in W.P.No.1144 of 2019 filed by the petitioner in W.P.Nos.31999 and 27048 of 2019, this Court directed the respondents therein to consider the case of the petitioner in W.P.Nos.31999 and 27048 of 2019 and appoint him to the post of Health Inspector Grade-II, in the light of G.O.Ms.No.305, dated 22.9.2009, more particularly, paragraph No.8 of the said G.O, if he is otherwise qualified. However, due to the seniority in the Employment Exchange, the persons who were over the petitioner were appointed on 13.01.2011

100. It is submitted that the said G.O.Ms.No.305, Public Health and Family Welfare Department, dated 22.09.2009 clearly stated that the Government recognizes the qualifications of persons from the All India Training Institute of Local Self Government who have passed the exam outside the Tamil Nadu. However, vide impugned interview letter dated 23.10.2019, the Commissioner of Municipal Administration has directed



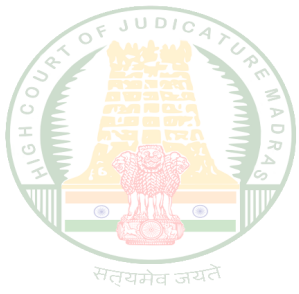
W.P.Nos.31501 of 2019 etc. batch

the candidates to produce the original documents for verification including the P.G.Diploma in Sanitary Inspector Course Certificate issued by the Gandhigram Rural Institute, Dindigul District.

101. It is prayed for a direction to the Commissioner of Municipal Administration to consider the persons from the All India Training Institute of Local Self Government to the post of Sanitary Inspector except the condition imposed in the call letter that the candidates should have been possessed P.G.Diploma in Sanitary Inspector Course Certificate issued by the Gandhigram Rural Institute, Dindigul District. It is also prayed for allowing the Writ Petitions in Category 3.

Submissions in support of Writ Petitions in Category 4 (Madurai Kamaraj University)

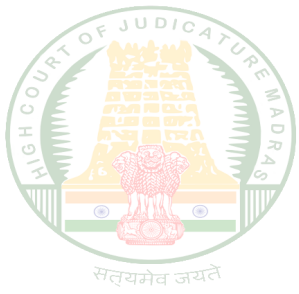
102. It is submitted that pursuant to the direction of the Division Bench of this Court in W.A.Nos.1821 to 1823 of 2019, an Expert Committee was constituted by G.O.(D)No.278, Municipal Administration and Water Supply [ME.3] Department, dated 19.07.2019. The said Expert Committee submitted a report dated 16.08.2019 which has been challenged by the petitioners.



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WEB COPY 103. It is submitted that the Expert Committee dated 16.08.2019 has not made any comparative statement of the syllabus of P.G. Diploma Course conducted by the Madurai Kamaraj University with the syllabus of the Gandhigram Rural Institute. The syllabus of Madurai Kamaraj University for the year 2011-2012 was sought to be compared to the Gandhigram Rural Institute syllabus for the year 2018-2019.

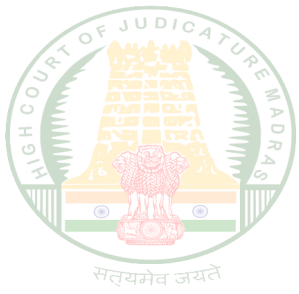
104. It is also submitted that the assessment of comparison should be based on the syllabus prescribed for corresponding year in both the University and the Institute. It is further submitted that the 2011-2012 syllabus of Madurai Kamaraj University is 100% equivalent of the 2011-2012 syllabus of the Gandhigram Rural Institute and even in respect of 2011-2012 syllabus of Madurai Kamaraj University and 2018-2019 syllabus of Gandhigram Rural Institute, the equivalence of the syllabus would be more than 90%. It is therefore submitted that the equivalence of syllabus has not been correctly appreciated by the Expert Committee for reasons best to them



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105. It is submitted that the Expert Committee, instead of analyzing the equivalence of syllabus and course contents between the Madurai Kamaraj University and Gandhigram Rural Institute, proceeded to analyze the method of examination and awarding of marks by the University and the Institute. It is submitted that the Director of Public Health and Preventive Medicine who was one of the member of the said Expert Committee, has submitted a separate report dated 16.08.2019 by recommending that the course contents and syllabus are similar in all the three institutes namely, Gandhigram Rural Institute, WASH Institute and Madurai Kamaraj University and however, the Rural Institute has non-communicable disease as additional content.

106. It is submitted that though the Director of Public Health and Preventive Medicine is the competent authority to prescribe the syllabus for Sanitary Inspector Certificate Course as per the Tamil Nadu Municipal Public Health Service Regulations, 1970, the report of him has not been considered. Therefore, the contra report submitted by the so called Committee dated 16.08.2019 is not sustainable.



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107. It is submitted that the Notification for selection issued by the Commissioner of Municipal Administration prescribed the qualification for Sanitary Inspector Certificate awarded by the Gandhigram Rural Institute, whereas, the said qualification is valid only up to the year 1996. It is specifically submitted that the Gandhigram Deemed University is conducting P.G. Diploma in Sanitary Inspector Course and same neither has been recognized by the Government of Tamil Nadu nor incorporated in the service rules. The non-approval of P.G.Diploma course conducted by the Gandhigram Deemed University is evident from the Proceedings of the Director of Public Health and Preventive Medicine dated 22.01.2018.

108. It is further submitted that the eligible candidates possessing qualification of P.G.Diploma in Environmental Sanitation Science granted by the Madurai Kamaraj University cannot be deprived of their participation in the selection to the post of Sanitary Inspector.

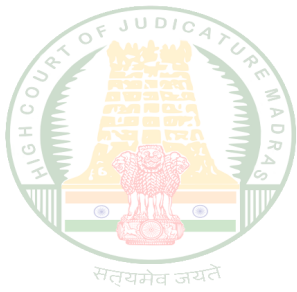
109. It is further submitted that as of now, G.O.(Ms) No.45, Higher Education Department, dated 19.04.2022 was issued, whereby, the P.G. Diploma in Environmental Sanitation Science offered by the WASH



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Institute affiliated to Madurai Kamaraj University has been found equivalent to the Sanitary Inspector Certificate Course of Government of Tamil Nadu as issued in G.O.Ms.No.2051, Health Department, dated 27.06.1952 for the post of Sanitary Inspector and Health Inspector.

110. It is further submitted that the P.G. Diploma in Environmental Sanitation Science Course awarded by the Madurai Kamaraj University is not an eligible qualification to be considered for the Recruitment Notification No.17624/2017/J1 dated 30.12.2017 issued by the Commissioner of Municipal Administration. It is therefore submitted that the question as to whether the students who possess P.G.Diploma from the Madurai Kamaraj University can be considered for appointment to the post of Sanitary Inspector, has been answered positively. However, it is pointed out that a similar equivalence has not been issued till date for the P.G. Sanitary Inspector Certificate awarded by the Gandigram Rural Institute. It is therefore prayed for allowing the Writ Petitions in Category 4. Dr.V.Suresh, the learned counsel referred to the decision of this Court in **Nadar Thanga Shubha Laxman Vs. State of Tamil Nadu and another**, 2014 (3) CTC 433.



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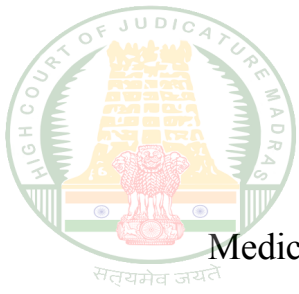
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Part No.7 – Submissions of the official respondents

111. It is submitted that the Sanitary Inspector Post is considered as the backbone of the Urban Local Bodies, which stands to control and prevent the infectious diseases like Malaria, Chikungunya, Swine-flu, Avian-flu and Dengu fever etc. It is submitted that there is a great threat of Dengue fever prevailing in the Urban Local Bodies and that to control and prevent such infectious diseases, it is very essential to fill up the vacant posts of Sanitary Inspectors to safeguard the health of public in the Urban Local Bodies. As the Sanitary Inspector Post is a very important role in the sanitation, the qualification for the said post is considered to be essential.

112. The Recruitment Notification No.17624/2017/J1 dated 30.12.2017 was published in the daily newspapers “Daily Thanthi”, The Indian Express to fill up the 110 vacant posts of Sanitary Inspector in the Municipalities.

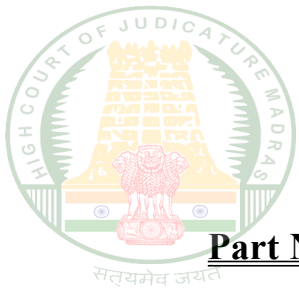
113. It is submitted the Director of Public Health and Preventive



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Medicine, in his report dated 16.08.2017, has furnished remarks only for comparison of syllabus on the courses conducted by the Gandhigram Rural Institute, WASH Institute and Directorates of Public Health, but has not analyzed the exam papers, certificates and training field and marks. It is further submitted that the qualification prescribed in the call letter and the Notification dated 30.12.2017 is the same. It is submitted that the Sanitary Inspector's Certificate awarded by the Gandhigram Rural Institute has already been included in the Tamil Nadu Municipal Public Health Service Regulations, 1970 since its inception and later the course has been upgraded and certificate has been renamed as P.G. Diploma in Sanitary Inspector Course.

114. It is submitted that the petitioners in Category 2 to 4 have no right to claim appointment since their P.G.Diploma in Environmental Sanitation Science Certificate awarded by the WASH Institute, Madurai Kamaraj University and All India Training Institute of Local Self Government respectively, have not yet been incorporated in the Tamil Nadu Municipal Public Health Service Regulations, 1970.



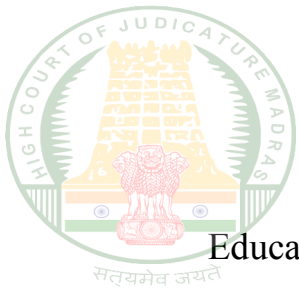
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Part No.8 – Discussion

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115. This Court is only concerned with the qualification prescribed in the impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017 issued by the Commissionerate of Municipal Administration for the post of Sanitary Inspector in Municipal Corporation. The qualification prescribed under the impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017 is “**Sanitary Inspector Certificate**” awarded by the Gandhigram Rural Institute.

116. The impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017 mirrors with the qualification prescribed in G.O.Ms.No.2087, Education and Public Health Department dated 04.09.1961. G.O.Ms.No.2087, Education and Public Health Department dated 04.09.1961 amended Regulation 4(1) of Tamil Nadu Municipal Public Health Service Regulations, 1970 in the exercise of power conferred by Section 8(2) of the Madras Public Health Act, 1939 (Madras Act III of 1939) and additionally recognized Sanitary Inspector's Certificate issued on behalf of the National Council for Rural Higher



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Education, New Delhi, at the end of the course at the Rural Institute,

Gandhigram, Madurai District among others institution. Note to

Regulation 4(1) reads as under:-

“Note –

*Candidates possessing the Health Inspector’s Certificate awarded by the Principal, Medical College, Trivandrum or candidates who had acquired the Sanitary Inspector’s Certificate of the Public Health Inspector’s Diploma Course of Bombay prior to the 3rd February, 1961, and candidates who were undergoing the Public Health Inspectors Diploma Course of Bombay on the third February 1961, shall be selected for appointment only if candidates possessing the Sanitary Inspector’s Certificate granted by the Director of Public Health, Madras, as Chairman, Board of Examiners or **the Sanitary Inspector’s Certificate issued on behalf of the National Council for Rural Higher Education, New Delhi at the end of the course at the Rural Institute, Gandhigram, Madurai District are not available”***

117. The qualification for a Certificate Course in Sanitary Inspectors from Gandhigram Rural Institute was not Degree in Science in 1961. It was much lesser. What is offered by Gandhigram Rural Institute is a Post Graduate Diploma in Sanitary Inspector’s Course. It is certainly more detailed and comprehensive. What is offered by WASH Institute is



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Post Graduate Diploma in Environmental Sanitation Science which is also more detailed.

118. Similarly, P.G.Diploma in Environmental Sanitation Science and Sanitary Inspector's Diploma offered by other institutions are also more detailed than what was originally contemplated in G.O.Ms.No.2078, Education and Public Health Department, dated 04.09.1961. The recruitment for course has been changed in time and thus all the institutions have tailored their courses to suit the modern demands. However, the amendment to the course syllabus has not been altered officially. Thus, each of the institutions have conceived a more comprehensive course than what was intended in 1961 while amending Tamil Nadu Municipal Health Service Regulations, 1970.

119. Fact remains that none of the institutions today offer a Sanitary Inspectors Certificate as was envisioned in G.O.Ms.No.2087, Education and Public Health Department, dated 04.09.1961 though the impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017 still recognises archaic Sanitary Inspector's Certificate issued on behalf of



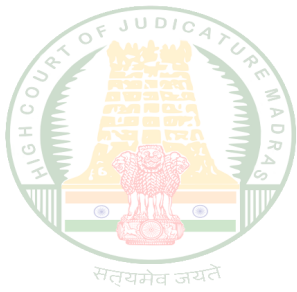
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the National Council for Rural Higher Education, New Delhi, at the end of the course at the Rural Institute, Gandhigram, Madurai District.

120. The fact remains that the Rural Institute, Gandhigram, Madurai is itself not awarding any **Sanitary Inspector's Certificate** on behalf of the National Council for Rural Higher Education, New Delhi nor at the end of the Course since 2009.

121. Gandhigram Rural Institute has become a Deemed University and is awarding Post Graduate Diploma in Sanitary Inspector's Course like WASH Institute and other institutions and is offering a Diploma in Sanitary Inspector Course like the other institutions in Category 2, 3 and 4.

122. Diplomas awarded by these institutions are outside the ambit of University Grants Commission under the University Grants Commission Act, 1956. Same is the case of the Certificate specified in the Recruitment Notification and the Tamil Nadu Municipal Public Health Service Regulations, 1970 framed under Madras Public Health Act, 1939.

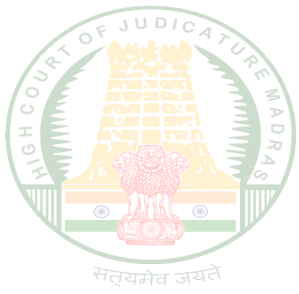


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WEB COPY 123. The issue relating to qualification offered by the four institutions arises as Diplomas offered by the four institutions are not regulated by a Statutory Body though the respective institutions have their own syllabus.

124. The Certificate contemplated in the impugned Recruitment Notification and G.O.Ms.No.2087, Education and Public Health Department dated 04.09.1961 amending Regulation 4(1) of Tamil Nadu Municipal Public Health Service Regulations, 1970, is no longer offered by Gandhigram Rural Institute.

125. *Prima facie*, none of the petitioners possess qualifications which are lesser or inferior to the qualifications that was originally envisioned in the year 1961 vide G.O.Ms.No.2087, Education and Public Health Department, dated 04.09.1961 issued in the exercise of power conferred by Section 8(2) of the Madras Public Health Act, 1939.



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126. The course offered by all the four institutions today are more comprehensive than the Certificate course for Sanitary Inspectors by Rural Institute, Gandhigram, Madurai as was contemplated in the Rules and the recruitment Notification. The syllabus would have been designed based on the changing needs.

127. They appear to have been designed taking note of need, demand and advancement made in the field. In fact, this was the representation of the respective institutes to their attendees who joined them.

128. Therefore, there cannot be any selective discrimination in the matter of public employment particularly when the courses offered by the Water Sanitation and Hygiene Institute (WASH Institute) affiliated to the Madurai Kamaraj University have now been recognised as equivalent by a competent authority.

129. Generally, Diplomas offered by these institutions are not akin to a Degree from a College affiliated to an University or a Deemed



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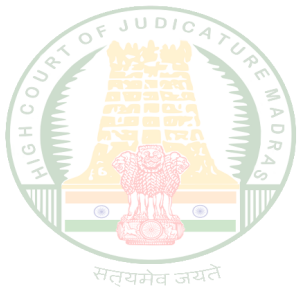
University. There is also a marked difference between a “Degree”, “Diploma” and a “Certificate” issued by Institutes.

130. The expression ‘degree’ is defined in Section 22(3) of the University Grants Commission (UGC) Act, 1956. It reads as follows:-

“For the purposes of this section, “degree” means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the commission by notification in the official Gazette.”

131. It is a well settled principle of law that prescription of qualifications for a particular post is a matter of recruitment policy of the employer. It is within the exclusive domain of the employer to prescribe the qualification.

132. An employer or the Rule governing such employment where such Rule exist, may prescribe requisite educational qualification and other qualification by taking into consideration of various factors including the nature of job and the essential requirements for the efficient discharge of the functions attached to a particular post.

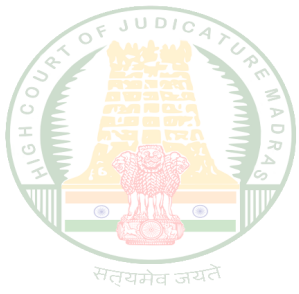


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WEB COPY 133. In **Mohd.Sohrab Khan Vs. Aligarh Muslim University and**

Others, (2009) 4 SCC 555, the Hon'ble Supreme Court held that in the matter of selection of candidates, opinion of the Selection Committee should be final, but at the same time, the Selection Committee cannot act arbitrarily and cannot change the criteria/qualification in the selection process during its midstream and there could have been intending candidates who would have applied for becoming candidate as against the said advertised post, had they known and were informed through advertisement that Industrial Chemistry is also one of the qualifications for filling up the said post and the Selection Committee during the stage of selection, which is midway could not have changed the essential qualification laid down in the advertisement.

134. Further, when courses are offered by different institutions and the qualifications and their equivalence cannot be determined by a Court under Article 226 of the Constitution of India. The Courts have no role to decide the equivalence of the qualifications.



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135. The Courts also cannot expand the ambit of the enquiry regarding the qualifications prescribed by an employer by determining the equivalence. It is also no part of the duty of the Courts to sit in the armchair of the policy maker and decide on the equivalence of the qualifications.

136. *Prima facie*, all the institutions offer similar qualifications as is evident from the nomenclature as used by each of the institutions as detailed below:-

Name of the Institution	Name of the course	Category
Gandhigram Rural Institute	Post Graduate Diploma in Sanitary Inspectors	1
WASH Institute	PG Diploma in Environmental Sanitation Science	2
All India Training Institute of Local Self Government	Sanitary Inspector's Diploma	3
Madurai Kamaraj University	PG Diploma in Environmental Sanitation Science	4

137. In India, Diplomas are normally conferred by Educational,

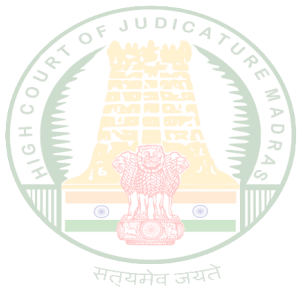


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Vocational and Training Institutes. Such Diplomas are recognized by the concerned Department. For instance, in Tamil Nadu, the Diplomas conferred by the Directorate of Technical Education and Directorate of Medical Education and etc. are regulated by Department of Higher Education as also the Certificate Course offered for Sanitary Inspectors. As far as other countries are concerned such as United States of America (USA) and United Kingdom (UK), the Diplomas are conferred by Community or Technical Schools and are regulated by Department of Education.

138. Where different institutions offer similar qualifications as in the present case, there is genuine doubt as to whether they are equivalent to each other or not.

139. Whether a particular qualification should be regarded as equivalent to the qualification recognised/prescribed in the rules and the recruitment notification is best left to the experts to decide. In this case, it is the Higher Education Department of the State.

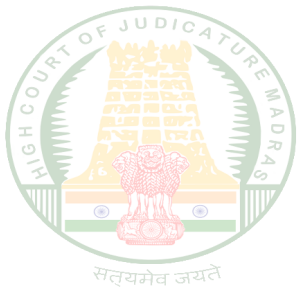


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140. Qualification in the form of a Certificate *simplicitor* from a training institute, a vocational institute or in a camp or a polytechnic, a department and a college etc. (collectively called as institution), is far below in the hierarchy when compared to a formal qualification of a Degree and Diploma from an educational institution engaged in providing formal education at U.G. level.

141. A Certificate is awarded on completion of a training and implies that the attendee has undergone requisite number of hours or session for practical training. It is more advanced in a sense, the exposure is more on the practical aspect rather than the theory and assumption being attendee already has a foundation in the theory from his formal qualification.

142. A Degree is conferred upon formal completion of a course in a college affiliated to either a University or a Deemed University. Colleges affiliated to a University or a Deemed University are bound by the standards prescribed by the University Grants Commission under the University Grants Commission Act, 1956.



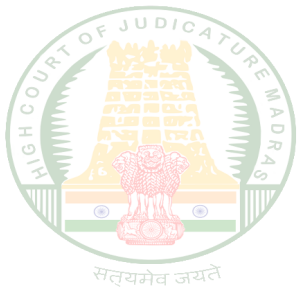
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WEB COPY 143. A Degree is more a rounded recognition of qualification conferred for pursuing further formal qualification. It does not recognize any formal training of a skill required for any avocation.

144. A Diploma course can range up from few months to few years. It is awarded on completion of the course with the specified grades or percentage of marks. A Diploma course is also neither regulated nor recognised under University Grants Commission Act, 1956.

145. A Diploma may be conferred by an Educational Institution. It is focussed and intended to prepare an attendee for employment in a specified industry while a degree conferred by a University is much broader and general and prepares a candidate to apply for higher P.G. qualification.

146. Diploma designed by an institution is more detailed and may involve both theory and practical exposure. It is designed to equip an attendee with a special skills required for a particular calling a Trade or a Profession. It combines a mix of theory and practical exposure.



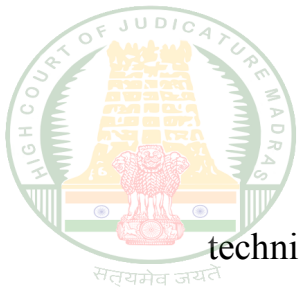
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WEB COPY 147. Degree courses are more structured in their content, providing a blend of high-level theory. A Diploma course is much shorter in duration than a Degree.

148. Diploma course are more comprehensive than a Certificate and takes a bit longer to complete. A Diploma course is generally offered by Educational Institutions engaged in providing formal educations like a college. Most Diploma Courses require students to complete them in about 1 to 2 years. It is more detailed than a Certificate course in that sense.

149. When viewed from another perspective, a Diploma course is one notch lower than a Degree from a College / University / Deemed University and one notch above a Certificate course by any Institution.

150. A Certificate awarded by an institution normally implies the attendee having acquired necessary technical skill sets required for a particular vocation, trade or calling. It is more practical intensive. A Certificate program is generally provided in community colleges or

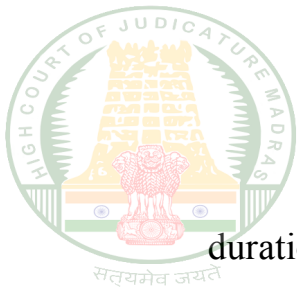


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technical and vocational schools. The course usually focuses on a specific skill sets and predominantly involves practical with little theory. A Certificate course normally spans a shorter period though sometime Certificate courses last for a period of 2 years.

151. Main difference between a Diploma course and a Certificate course appears to be that the latter is based on a specific ability (rather than a vast field of study). Normally, there is no formal ranking and awarding of marks when a Certificate is awarded to an attendee at the end of the Training. It is a workshop exposure to a particular skill to harness the existing theoretical knowledge obtained from a Degree or a Diploma or both.

152. Another difference between the two is that Certificate courses need not necessarily be related to school or graduation requirements. It can be in any domain and is intended to a master skill required for a particular industry or calling. Another major difference between Diploma and Certificate, is that Certificate courses start on a number of dates throughout the year whereas Diploma courses usually have a specific



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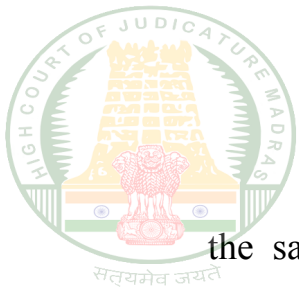
duration and offered for a particular period of time in a year.

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153. In a sense, Diplomas are structured and complements formal education from an Educational Institution whereas a Certificate complements a thorough practical knowledge. A Certificate from an institution generally certifies training undergone and an exposure to the required skill for a particular trade, work or calling.

154. If the Diploma offered by Gandhigram Rural Institute is to be recognised for the purpose of recruitment to post of Sanitary Inspectors by the official respondents, then there is no reason why similar Diplomas offered by other Institutions should not be considered and if they are found equivalent.

155. As mentioned above, the dispute in these Writ Petitions arise on account of qualification prescribed in Notification No.17624/2017/J1 dated 30.12.2017 issued by the Commissioner of Municipal Administration for filling up 110 vacancies to the post of Sanitary Inspector in various Municipalities. One of the qualifications prescribed in

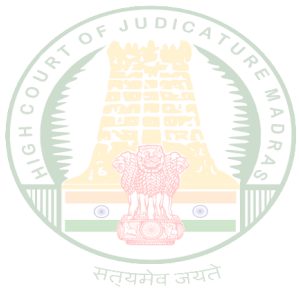


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the said impugned Recruitment Notification for possessing a Sanitary Inspector Certificate awarded by the Gandhigram Rural Institute has given rise to the disputes in these Writ Petitions.

156. The petitioners who have obtained the qualifications from the institutions other than Gandhi Gram Rural Institute, Madurai (now a Deemed University) have questioned the above requirement in the above notification. The petitioners who have obtained qualifications from Gandhi Gram Rural Institute, on the other hand, pray appointment as they have the requisite qualifications and therefore, request for a direction in their favour and for rejection of the candidature of others from the three other institutions.

157. The post of Sanitary Inspectors involves ensuring that employee in an establishment work in safe environment. Similarly, while working in local bodies, they are to ensure the public is not at any health risk.

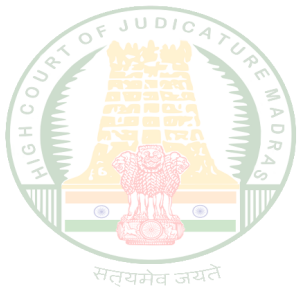


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158. The post of Sanitary Inspectors requires a scientific temperament and training and relevant exposure to latest development and advancement in the field of public health on account of newer form of public health issue / hazard which the society grapples. A Sanitary Inspector is expected to keep a vigilant eyes for the potential health hazard and to take steps to avoid it and/or to arrest any outbreak of any epidemic and pandemic.

159. The core job remains to be professionals to supervise an assignment, conduct analysis when a need arises to make the people / company abide by the health standards in Water and Sanitary (WATSAN) sector departments.

160. Opportunities in Government and private sector including local bodies, public health engineering departments, health sectors, Railways, international airports, and NGOs etc. engaged in health and Water Sanitation Activities (WATSAN) has been recognised. Thus, new institutions have sprouted and mushroomed to fill in the vaccum left by Government Institutions.



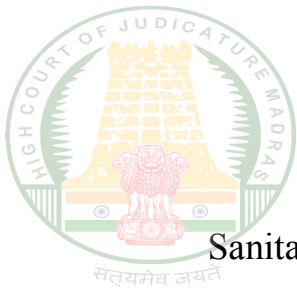
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WEB COPY 161. In Tamil Nadu, the service of the Sanitary Inspectors is covered by the Tamil Nadu Municipal Public Health Service Regulations, 1970, the Tamil Nadu Town Panchayat Sanitary Inspectors Service Rules, 1982, the Tamil Nadu Municipal Corporation Public Health Subordinate Service Rules, 1996 and Chennai Corporation Health, Malaria and Family Welfare Sub-Ordinate Services Bye-Laws, 2009. The Sanitary Inspectors are appointed in various services of the State Government.

162. The qualifications prescribed for being appointed to the post of Sanitary Inspectors by the different Wings of the Government of Tamil Nadu are slightly different though the work involved is almost identical.

163. The Volume III (Special Rules) of the Tamil Nadu Services Manual has classified the post of these Sanitary Inspectors in different services.

164. Some of the services in the Volume III (Special Rules) of the Tamil Nadu Services Manual where there is scope for employing a

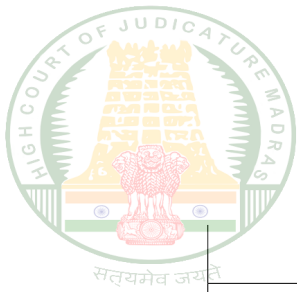


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Sanitary Inspector are detailed below:-

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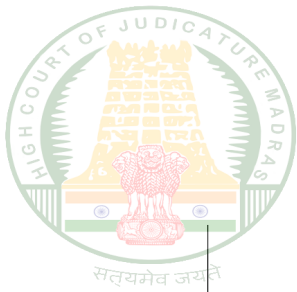
Sec. No.	Category	Method of recruitment	Qualification
1	THE TAMIL NADU AGRICULTURAL SUBORDINATE SERVICE		
	Class – III Category - 5	Direct recruitment or for special reasons recruitment by transfer from any other service.	(a) Sanitary Inspector's Certificate granted by the Additional Director of Health Services and Family Planning, Tamil Nadu as the Chairman of the Board of Examiners constituted on this behalf by the State Government; or (b) The L.M.P. diploma; or (c) A pass in the Sanitary Inspector's Examination in the State of Tamil Nadu or a quinquennial training and pass in the examination prescribed for Health and Sanitary Inspectors in the State of Tamil Nadu; or (d) Sanitary Inspector's Certificate issued on behalf of the National Council for Higher Education, New Delhi at the end of the course at the Rural Institute, Gandhigram.



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5A	THE TAMILNADU DAIRY DEVELOPMENT SUBORDINATE SERVICE		
	Class – III Category 1	a) Direct recruitment; or b) Recruitment by transfer from any other service.	Must possess a Sanitary Inspector Certificate awarded by the Directorate of Public Health or Board of Examiners constituted for the purpose by the State Government and must have practical experience for a period of not less than one year after acquiring the qualification.
26	THE TAMIL NADU PUBLIC HEALTH SUBORDINATE SERVICE		
	Class – I Category 18	i. Promotion from among the holders of the post of Health Assistants; or ii. Direct recruitment.	i. A Sanitary Inspector's certificate of the Board of Examiners constituted in this behalf by the State Government; or ii. A Health Inspector Certificate granted by the Director of Public Health (now Additional Director of Health Services and Family Planning), Chennai as the Chairman of the Board of Examiners constituted in this behalf by the State Government; or iii. A Sanitary Inspector's certificate granted on behalf of the National Council for Rural Higher



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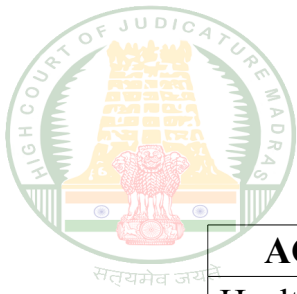


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			Education, New Delhi at the end of the course of the Rural Institute, Gandhigram, Tamil Nadu; and iv. Physical fitness for camp life.
45	THE TAMIL NADU TECHNICAL EDUCATIONAL SUBORDINATE SERVICE.		
	Class – IV Category 2	i. Direct recruitm ent; or ii. Recruitm ent by transfer from any other service.	Sanitary Inspector's Certificate awarded by the Director of Public Health and Preventive Medicine, Chennai or the Gandhigram Rural Institute, Gandhigram. Other things being equal, preference shall be given to candidates who possess practical experience in the supervision of general sanitation work and public health practices in a Town Panchayat Union Council, Municipality or a Corporation.

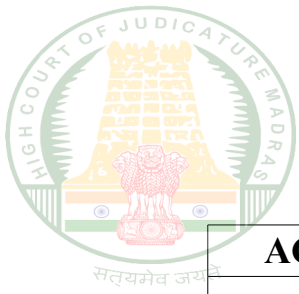
165. The qualification to the post of Sanitary Inspectors under the respective Rules is as follows:-

ACTS / RULES	QUALIFICATION
The Tamil Nadu Municipal Public	a) Must possess a degree in B.Sc., (Chemistry) with a Sanitary Inspectors



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ACTS / RULES	QUALIFICATION
Health Service Regulations, 1970	Certificate granted by the Additional Director of Health Services and Family Planning, Chennai as the Chairman, Board of Examiners, constituted by Government in this behalf; or must possess a Health Inspectors Certificate awarded by the Principal, Medical College, Trivandrum or must possess a Sanitary Inspector's Certificate awarded by the Director of Public Health Bombay; and b) Must possess physical fitness for camp life and satisfy the physical standard prescribed for the Health Inspectors.
The Tamil Nadu Town Panchayat Sanitary Inspectors Service Rules, 1982	b) Other Qualifications: No person shall be appointed to the posts unless the possess a Sanitary Inspectors Certificate issued on behalf of the National Council for Rural Higher Education, New Delhi.
The Tamil Nadu Municipal Corporation Public Health Subordinate Service Rules, 1996	<u>By deputation</u> Must be a B.Sc. (Chemistry) graduate and must have passed Food Inspectors' Course and Sanitary Inspectors' Course conducted by any Institution recognized by the Government of Tamil Nadu <u>By promotion</u> - Must be a B.Sc. (Chemistry) graduate and must have passed Food Inspector's course and Sanitary Inspectors' Course conducted in any Institution recognised by the Government of Tamil Nadu; and - Must have worked in any post in Group II of the Service for a period of not less than



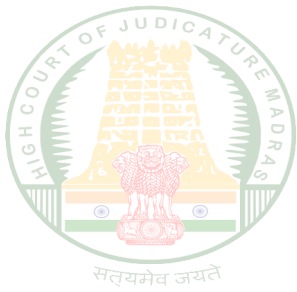
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ACTS / RULES	QUALIFICATION
	three years.
Chennai Corporation Health, Malaria and Family Welfare Sub-Ordinate Services Bye-Laws, 2009	1. B.Sc. degree with Chemistry in main subject 2. P.G.Diploma in Sanitary Inspector course conducted by Govt. and Institutions recognised by the Govt. 3. Any certification in computer courses.

166. The classification is different from service to service. For a better understanding of the services under the respective Rules, the classifications of the post of Sanitary Inspectors are given below:-

ACTS / RULES	CLASS	CATEGORY
The Tamil Nadu Municipal Public Health Service Regulations, 1970	IV	1
The Tamil Nadu Town Panchayat Sanitary Inspectors Service Rules, 1982	-	-
The Tamil Nadu Municipal Corporation Public Health Subordinate Service Rules, 1996	III	1
Chennai Corporation Health, Malaria and Family Welfare Sub-Ordinate Services Bye-Laws, 2009	III	4

167. The Method of recruitment of the Sanitary Inspectors under the respective Rules reads as under:-

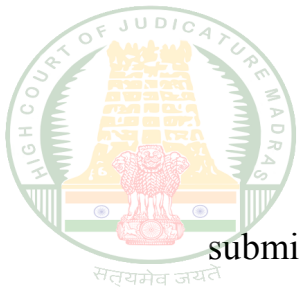


W.P.Nos.31501 of 2019 etc. batch

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ACTS / RULES	METHOD OF RECRUITMENT
The Tamil Nadu Municipal Public Health Service Regulations, 1970	By promotion from category 2 of Class V.
The Tamil Nadu Town Panchayat Sanitary Inspectors Service Rules, 1982	- By direct recruitment; and - By transfer from such qualified and eligible candidates already in service in Panchayats in the District.
The Tamil Nadu Municipal Corporation Public Health Subordinate Service Rules, 1996	- By deputation from Government Service or from Municipal Service; or from other Corporation; or - By promotion from the holders of the posts in categories 3, 4, 5 of Group-II of this service.
Chennai Corporation Health, Malaria and Family Welfare Sub-Ordinate Services Bye-Laws, 2009	- By promotion of approved probationers from the lower categories, who have acquired the qualification prescribed for direct recruitment - By transfer of service - By direct recruitment

168. Prior to 1952, the Sanitary Inspector Course and syllabus of training were issued in 1930. It was subsequently amended taking note of the needs then and it was decided to re-issue the rules embodying all the amendments so far made and asked the Director of Public Health to



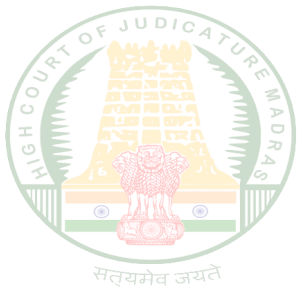
W.P.Nos.31501 of 2019 etc. batch

submit a consolidated draft rules embodying all the amendments issued till then.

169. Accordingly, the draft rule was submitted by the Director of Public Health. The Government of Tamil Nadu (formerly State of Madras) approved the rules which came to be known as “**Rules for admission to the Sanitary Inspector’s Certificate Course and Syllabus of Training (Revised).**”

170. The aforesaid **Rules for admission to the Sanitary Inspector’s Certificate Course and Syllabus of Training (Revised)** prescribed the syllabus and the requirement to undergo the examination in the subjects of courses conducted by the Board, of which, the Director of Public Health, Madras was the Chairman.

171. Rule 16 of the aforesaid Rules however made it clear that no person who does not possess the Sanitary Inspectors Course Certificate was entitled to be appointed as Sanitary Inspector under any for the State of Tamil Nadu (formerly State of Madras).

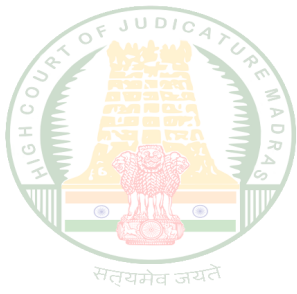


W.P.Nos.31501 of 2019 etc. batch

WEB COPY 172. At that point of time, the course was offered only by Stanley Medical College, Tamil Nadu (formerly Madras) and Andhra Medical College at Visakhapatnam. The maximum strength of the Sanitary Inspectors Class was fixed at 100 in each of these colleges.

173. The Government of Tamil Nadu (formerly Government of Madras) amended the Public Health Establishments (Local Authorities) Regulations, 1940. It recognised Sanitary Inspectors Certificates issued on behalf of the National Council for Rural Higher Education, New Delhi, at the end of the Course at the Rural Institute, Gandhigram, Madurai District.

174. G.O.Ms.No.2087, Education and Public Health Department dated 04.09.1961 was issued in the exercise of power conferred by Section 8(2) of the Madras Public Health Act, 1939 (Madras Act III of 1939). It made the following amendments to the Public Health Establishments (Local Authorities) Regulations, 1940:-



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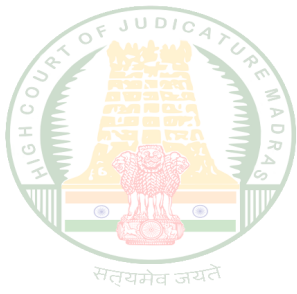
W.P.Nos.31501 of 2019 etc. batch

“In the said Regulations, in the schedule under regulation 4 (1) in item 6, for clause (ii) in column (2), the following clause shall be substituted, namely:-

*“(ii) Must possess a Sanitary Inspector’s Certificate granted by the Director of Public Health Madras, as the Chairman, Board of Examiners, constituted by Government in this behalf, or **must possess a Sanitary Inspector’s Certificate issued on behalf of the National Council for Rural Higher Education, New Delhi, at the end of the course at the Rural Institute, Gandhigram, Madurai District** or must possess a Health Inspector’s Certificate awarded by the Principal, Medical College, Trivandrum.*

(2) for the Note under item 6, the following Note shall be substituted, namely:-

*“Note – Candidates possessing the Health Inspector’s Certificate awarded by the Principal, Medical College, Trivandrum or candidates who had acquired the Sanitary Inspector’s Certificate of the Public Health Inspector’s Diploma Course of Bombay prior to the 3rd February, 1961, and candidates who were undergoing the Public Health Inspectors Diploma Course of Bombay on the third February 1961, shall be selected for appointment only if candidates possessing the Sanitary Inspector’s Certificate granted by the Director of Public Health, Madras, as Chairman, Board of Examiners or **the Sanitary Inspector’s Certificate issued on behalf of the National Council for Rural Higher***



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***Education, New Delhi at the end of the course
at the Rural Institute, Gandhigram, Madurai
District are not available”***

175. This Sanitary Inspectors Certificate was to be awarded by the Director of Director of Public Health and Preventive Medicine or by Institutions approved by the Government of Tamil Nadu.

176. Prior to 1990, the posts of Sanitary Inspector, Junior Sanitary Inspector and Health Assistant of Corporation, Municipalities and Town Panchayat were separate services under the respective Rules.

177. However, G.O.Ms.No.120, Finance Department, dated 02.02.1980 with effect from 04.11.1988, these services were merged into one category as “Sanitary Inspector”.

178. Vide G.O.Ms.No.305, Health and Family Welfare Department (N1) Department, dated 22.09.2009, the Government of Tamil Nadu in the exercise conferred by Article 309 of the Constitution of India, relaxed the Rule 5(b)(iii) of the **Public Health Subordinate Adhoc Rules** and



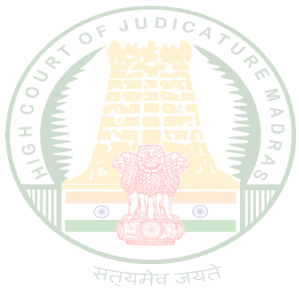
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appointed 55 persons who had obtained Sanitary Inspector Training in All India Local Self Government Institutions which were functioning in Mumbai, Bangalore, Kochi and Belgam.

179. As per Rule 5(b)(iii) of the **Public Health Subordinate Adhoc Rules**, the qualification prescribed for appointment to the post Health Inspectors Grade II was as follows:-

- i. Tenth Standard pass (and)
- ii. Certificate awarded by Director of Public Health and Preventive Medicine (or) Certificate of Multipurpose Health Worker (male) awarded by Institutions approved by Government of Tamil Nadu; or
- iii. Sanitary Inspector Certificate awarded by Director of Public Health and Preventive Medicine or the certificates awarded by the Institutions approved by Government of Tamil Nadu.

180. Vide G.O.No.91, Municipal Administration and Drinking Water Supply (M3) Department, dated 11.02.2015, for appointment of Sanitary Inspectors and Sanitary Supervisor, it was clarified that as per G.O followed at Chennai Corporation, appointment of Sanitary Inspector is done for those who have graduated the degree for Sanitary Inspector issued by Gandhigram Village University.



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181. The Government therefore decided to constitute a committee to decide as to which of the new Institutions whose degrees and diplomas can be recognised for the appointment of Sanitary Inspectors and Sanitary Supervisors at all local bodies (Corporation, Municipalities, Panchayat Unions).

182. In 2016, vide Letter No.21349/MC.III/2015-6, dated 18.07.2016, a Committee headed by Principal Secretary, Municipal Administration and Water Supply Department was constituted pursuant to the direction of this Court in W.P.No.3301 of 2014 on 07.02.2014 to consider the representation dated 20.06.2016 one M.Manigandan and 15 others for appointment to the post of Sanitary Inspector / Supervisor.

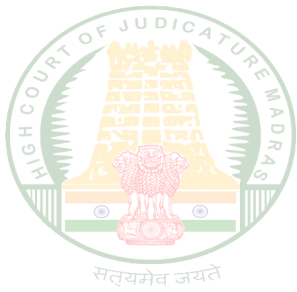
183. The Gandhigram Rural Institute – Deemed University Gandhigram has furnished the details to Dr.K.Kolandaswamy regarding the Sanitary Inspector Course which reads as under:-

Sl. No.	Details required by DPH & PM	Details furnished by GRI
1	The Board of Examiners for PG Diploma for SI	The Institute has a separate Board of Studies for Sanitary Inspector Course as per the UGC (Institutions deemed to be



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Sl. No.	Details required by DPH & PM	Details furnished by GRI
	Course conducted by you	Universities) Regulations 2010 & subsequent amendments. The Panel of Examiners (Internal / External) is decided during the Board of Studies. The members of the Board of Studies are from public health field experts and other public health programmes. In previous Board of Studies the then DPH & PM / Other officers Dr.N.Vijayaraghavan, Dr.R.T.Porkai Pandian, Dr.M.Munavarkhan and Dr.Elango acted as members to finalize the syllabus for PGDSI course. The syllabus is approved in the Academic Council of GRI-DU as in other courses.
2	Whether it has been approved by Govt. of Tamil Nadu / Orders if any to the effect other than G.O. 1 st cited and whether it is notified or not, if so, the copy of the G.O.	The GRI-DU is a Centrally governed Deemed University under the Ministry of Human Resource Deployment, Govt. of India. However, the PGDSI course conducted by GRI-DU, Gandhigram shall be considered for selection process as in the case of Certificate course in Sanitary Inspector.
3	The dates from which the above said PG Diploma course has been started	The PGDSI course was started on 01.07.1999 w.e.f. the Academic Year 1999-2000.
4	The date from which the SI Certificate course has been stopped as per your letter 2 nd cited	Certificate course in Sanitary Inspector was conducted till 30.06.1996 and it was renamed as Diploma in Sanitary Inspector course from 01.07.1996 (academic year 1996-97) onwards and conducted till 30.06.1999 (academic year 1998-99)



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WEB COPY 184. Therefore, to allow attendees who have obtained Post Graduate Diploma in Sanitary Inspectors Course from Gandhigram Rural Institute alone by ignoring attendees who have obtained PG Diploma in Environmental Sanitation Science Certificate from WASH Institute and from Madurai Kamaraj University and Sanitary Inspector's Diploma Course from the All India Training Institute of Local Self Government, would amount to violation of Article 14 of the Constitution of India.

185. There cannot be any selective discrimination against a class of person if they are equal in all respects to others. Article 16 of the Constitution of India contemplates "equal opportunity to all citizens in matters related to employment in the public sector". Any form of discrimination is to be eschewed and is frowned upon by the Courts.

186. Therefore, to confine the recruitment only to candidates who have obtained qualifications from Gandhigram Rural Institute, Madurai, alone to the exclusion of others is discriminatory and arbitrary. In the matter of public employment, there has to be equal opportunity to all



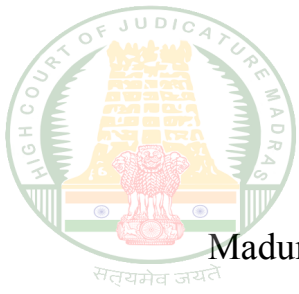
W.P.Nos.31501 of 2019 etc. batch

persons possessing similar qualification. It should not be arbitrary and result in unfair treatment and discrimination.

187. Therefore, the petitioners who have obtained Post Graduate Diploma in Sanitary Inspectors Course from the Gandhigram Rural Institute (Deemed University) who have already been shortlisted for the interview cannot object to the petitioners in Categories 2 and 4 from being considered for appointment to the post of Sanitary Inspector.

188. They cannot be allowed to have a march over the petitioners who have obtained a similar qualification from Water Sanitation and Hygiene Institute (WASH Institute) affiliated to the Madurai Kamaraj University and from the Madurai Kamaraj University. As mentioned above, there has to be equality of opportunity not only in the matter of education but also in the matter of public employment.

189. Further, Sanitary Inspector Certificate Course of Government of Tamilnadu as per G.O.(Ms.)No.2051, Health Department, dated 27.06.1952 is neither being offered by Gandhigram Rural Institute,



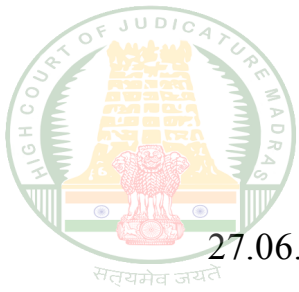
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Madurai (Deemed University) nor by Water Sanitation and Hygiene Institute (WASH Institute) affiliated to the Madurai Kamaraj University.

It has been assumed that the Post Graduate Diploma in Sanitary Inspectors Course is same as the Sanitary Inspector Certificate Course of Government of Tamil Nadu as per G.O.(Ms.)No.2051 Health Department dated 27.06.1952.

190. Diplomas conferred by these Institutions/Universities are much more comprehensive than what was contemplated in G.O.(Ms) No.2051, Health Department, dated 27.06.1952 for the post of Sanitary Inspector and Health Inspector.

191. After these cases were reserved on 27.10.2021 for passing orders, G.O.(Ms) No.45, Higher Education (K1) Department, dated 19.04.2022 was issued, whereby, the P.G. Diploma in Environmental Sanitation Science offered by Water Sanitation and Hygiene Institute (WASH) affiliated to Madurai Kamaraj University was recognized as equivalent to Sanitary Inspector Certificate Course of Government of Tamil Nadu as issued in G.O.(Ms.) No.2051, Health Department, dated



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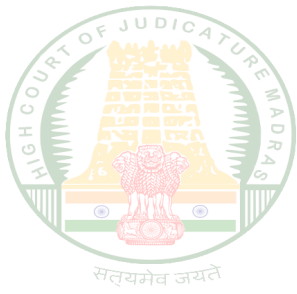
27.06.1952 for the post of Sanitary Inspector and Health Inspector. The

relevant portion of the said G.O.(Ms) No.45, Higher Education (K1)

Department, dated 19.04.2022 reads as under:-

In the letter second read above, the Member Secretary, Tamil Nadu State Council for Higher Education, has forwarded the resolutions passed by the 14th Equivalence Committee meeting held on 07.02.2022 under the Chairmanship of the Principal Secretary to Government, Higher Education Department, on the equivalence of Degrees offered by various Universities / Educational Institutions to the similar Degrees for the purpose of employment in Public Services and requested the Government to issue orders in the matter.

2. The Government, after careful consideration, approve the following resolutions passed in the 14th Equivalence Committee meeting held on 07.02.2022, under the Chairmanship of the Principal Secretary to Government, Higher Education Department and direct that the following Degrees offered by various Universities / Educational Institutions be equivalent to the similar degrees mentioned therein from the date of issuance of such degrees for the purpose of employment in Public Services and also direct that no person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof, **unless he possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the special rules; or possesses such other qualifications as have been declared to be higher than or equivalent to the said special qualifications or special tests, by the Government in consultation with the Committee** constituted in the



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Government Order first read above and by the Government or by the appointing authority with the approval of the Government in other cases -

Item No.	Subjects	Equivalence Committee Recommendations
1.		
15.	Public Services — Educational Qualification — Consideration of PG Diploma in Environmental Sanitation Science offered by Water Sanitation and Hygiene Institute (WASH) affiliated to Madurai Kamaraj University as to whether equivalent to Sanitary Inspector Certificate Course of Government of Tamilnadu as issued in G.O.(Ms.)No.2051 Health Department dated 27-06- 1952 for the post of Sanitary Inspector and Health Inspector.	Equivalent

192. Higher Education Department, in the above G.O.(Ms.) No.45,
Higher Education (K1) Department, dated 19.04.2022, has specifically
now recognised the Post Graduate Diploma in Environmental Sanitation

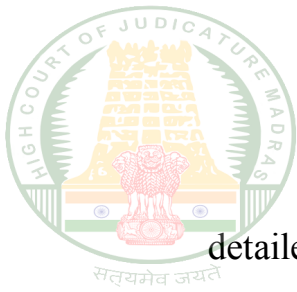


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Science course offered by Water Sanitation and Hygiene Institute (WASH Institute) affiliated to the Madurai Kamaraj University and the Diploma course offered by latter are equivalent to the Sanitary Inspector's Certificate Course of the Government of Tamil Nadu in terms of G.O.(Ms) No.2051, Health Department dated 27.06.1952 for the post of Sanitary Inspector and Health Inspector. Benefit of the above G.O.(Ms.) No.45, Higher Education (K1) Department, dated 19.04.2022 would therefore enure to those who have passed out from the Madurai Kamaraj University and WASH Institute affiliated to the Madurai Kamaraj University.

193. Thereafter, a communication dated 01.07.2022 bearing reference R.O.C.No.17624/J1/2017 was addressed to the Additional Government Pleader, Madras High Court by the Director of Municipal Administration, Urban Administrative Building, Chennai.

194. The Additional Government Pleader, Madras High Court by the Director of Municipal Administration, Urban Administrative Building, Chennai has confirmed that as on date, there are about 300 vacancies as



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detailed below to the post of Sanitary Inspector in various local bodies.

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Sl. No.	Name of the ULB's	Number of the Vacant Posts
1	Corporations (Except Chennai)	61
2	Directorate of Municipal Administration	107
3	Town Panchayats	07
4	Greater Chennai Corporation	125
Total		300

195. It is not clear as to how 110 vacancies as in the Recruitment Notification in the Municipalities has now reduced to 107. It should have increased unless irregular appointments were made. In fact, on account of outbreak of Covid 19 pandemic, the vacancies should have increased by manifold times.

Part No.9 - Conclusion

196. Since the Higher Education Department vide G.O.(Ms.) No.45, Higher Education (K1) Department, dated 19.04.2022, has recognised the Post Graduate Diploma in Environmental Sanitation Science course offered by Water Sanitation and Hygiene Institute (WASH Institute) affiliated to the Madurai Kamaraj University and the Diploma



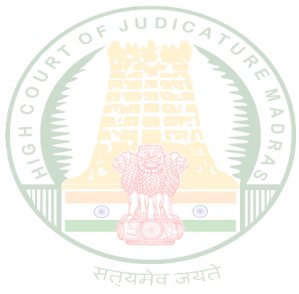
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Course offered by latter as equivalent to the Sanitary Inspector's

Certificate Course of the Government of Tamil Nadu in terms of G.O.(Ms) No.2051, Health Department, dated 27.06.1952 for the post of Sanitary Inspector and Health Inspector, Writ Petition in Category 1 [W.P.(MD) No.12923 of 2018] is liable to be dismissed.

197. Consequently, Writ Petitions filed by the petitioners in Category 2 [W.P.Nos.28062, 26553, 28067 & 26482 of 2018 and W.P.Nos.16104, 33624 & 33970 of 2019] and in Category 4 [W.P.Nos.31501, 6712, 6704, 31642 & 31635 of 2019 and W.P.Nos.2467 & 1162 of 2018] deserve to be allowed.

198. As there is no recognition for the course offered by All India Training Institute of Local Self-Government, the Writ Petitions filed by the writ petitioners in Category 3 [W.P.Nos.27043, 31999 & 27048 of 2019] are liable to be dismissed with liberty to challenge their exclusion in G.O.(Ms.) No.45, Higher Education (K1) Department, dated 19.04.2022.

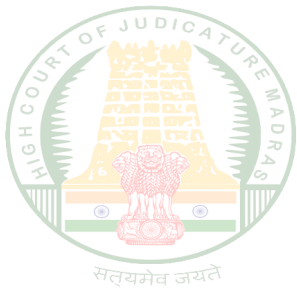


W.P.Nos.31501 of 2019 etc. batch

199. Considering the fact that most of the petitioners in these Writ

Petitions who are otherwise eligible for the relief as above would have already crossed the age limit prescribed in the Tamil Nadu Service Manual in the respective services, the official respondents are directed to consider the case of the petitioners in Category 2 and 4 along with the petitioner from Gandhigram Rural Institute, Madurai (Deemed University) in Category1 for being appointed to the post of Sanitary Inspector/Health Inspector in various services based on the vacancies available from 2018 onwards by relaxing the age criteria prescribed in the Tamil Nadu Service Manual by issuing suitable notifications.

200. It is made clear that barring the above two exceptions, the vacancy shall be filled up strictly in accordance with the provisions of the Special Rules relating to Subordinate Service as in Volume 3 of the Tamil Nadu Tamil Nadu Service Manual as in force from 2018 onwards along with those who have already been shortlisted for being interviewed in the light of G.O.(Ms.) No.45, Higher Education (K1) Department, dated 19.04.2022.



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201. This exercise shall be carried out by the official respondents within a period of six weeks from the date of receipt of a copy of this order as for a considerably long period of time due to pendency of the present Writ Petitions, no regular appointments have taken place. Any appointment made during the pendency of these Writ Petitions shall be finalized and regularized along with those who are now held eligible for appointment based on the recognition of their qualification in terms of G.O.(Ms.) No.45, Higher Education (K1) Department, dated 19.04.2022.

202. In the result,

- i. W.P.(MD) No.12923 of 2018 (Category 1) and W.P.Nos.27043, 31999 & 27048 of 2019 (Category 3) are dismissed with the above observations.
- ii. W.P.Nos.28062, 26553, 28067 & 26482 of 2018 and W.P.Nos.16104, 33624 & 33970 of 2019 and W.P.Nos.31501, 6712, 6704, 31642 & 31635 of 2019 and W.P.Nos.2467 & 1162 of 2018 (Category 2 & 4) are allowed with the above observations.
- iii. No cost. Consequently, all the connected Miscellaneous Petitions are closed.



W.P.Nos.31501 of 2019 etc. batch

10.08.2022

Internet : Yes/No

Index : Yes / No

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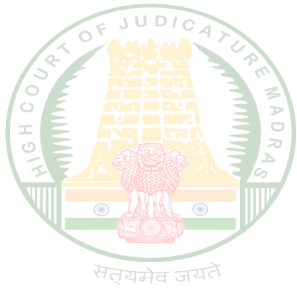
- 1.The Principal Secretary,
Municipal Administration and Water Supply Department,
The State of Tamil Nadu,
Secretariat, Fort St. George, Chennai – 600 009.
- 2.The Principal Secretary to Government,
Health and Family Welfare Department,
The State of Tamil Nadu,
Secretariat, Fort St.George, Chennai - 600 009.
- 3.The Principal Secretary to Government,
Higher Education Department,
The State of Tamil Nadu
Secretariat, Fort St.George, Chennai - 600 009.
- 4.The Commissioner of Municipal Administration,
O/o. The Commissionerate of Municipal Administration,
Urban Administration Office Campus,
75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram, Chennai – 600 028.
- 5.The Director of Public Health and Preventive Medicine,
DMS Campus, 359, Anna Salai,
Teynampet, Chennai 600 006.
- 6.The Director,
Directorate of Town Panchayat,
75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.



W.P.Nos.31501 of 2019 etc. batch

7.The Commissioner,
Corporation of Chennai,
Chennai 600 003.

8.The Chairman,
Expert Committee,
O/o. The Commissioner of Municipal Administration,
Urban Administration Office Campus,
MRC Nagar, Raja Annamalaipuram, Chennai – 600 028.



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W.P.Nos.31501 of 2019 etc. batch

C.SARAVANAN, J.

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Pre-Delivery Common Order
in
W.P.No.31501 of 2019 etc. batch

10.08.2022