



W.P.(MD)Nos.15883 & 16178 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.15883 & 16178 of 2015
and M.P(MD)Nos.1 & 2 of 2015
and M.P(MD)Nos.1 & 2 of 2015

K.Seetha Lakshmi

... Petitioner in
W.P(MD)No.15883 of 2015

M/s.S.Rama Sree

... Petitioner in
W.P(MD)No.16178 f 2015

vs.

1. Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
Guindy, Chennai – 600 032.
2. The Director,
Gandhigram Institute of Rural Health &
Family Welfare Trust,
Ambathurai, Gandhigram.
3. The Director of Public Health
and Preventive Medicine,
DMS Complex,
Teynampet, Chennai – 600 006.



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4. The Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.
5. The State of Tamil Nadu,
Represented by its
Secretary to Government,
Department of Health and Family Welfare,
Fort Saint George, Chennai – 600 009.
6. The Secretary,
Tamil Nadu Public Service Commission,
Frazar Bridge Road,
VOC Nagar, Park Town,
Chennai – 600 006.

... Respondents in
Both Petitions

[The Secretary, TNPSC., was added as 6th respondent Suo motu by order of this Court, dated 10.11.2022]

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Declaration***, declaring the G.O.Ms.No.02 Health and Family Welfare Department dated 06.01.2014 issued by the 5th respondent amending Ad hoc Rule-4 of the Rules published in the Health and Family Welfare Department Notification SRO No.B-125 of 1993 at pages 126 and 127 of Part-III Section-1(B) of the Tamil Nadu Government Gazette dated the 18th August, 1993 as arbitrary and violative of article 14 and 16 of the Constitution in so far as it makes a diploma in-nutrition and Health Education awarded by the Indira Gandhi National Open University as equal to the Post Graduate Diploma in Health Promotion and Education from the Gandhigram Institute of Rural Health and



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Family Welfare Trust affiliated to the Tamil Nadu Dr.MGR Medical University and being eligible for the post of Health Educator (Non Medical) in Tamil Nadu Medical Service.

In Both Writ Petitions

For Petitioner : M/s. A.S.Mujibur Rahman

For R-2 : Mr.V.Karthikeyan, for
Mr.V.Vijay Shankar

For R-3 to R-5 : Mr.P.Thambidurai,
Government Advocate (Civil Side)

COMMON ORDER

These Writ Petitions have been filed for ***Writ of Declaration***, declaring the G.O.Ms.No.02 Health and Family Welfare Department, dated 06.01.2014 issued by the 5th respondent amending Ad hoc Rule-4 of the Rules published in the Health and Family Welfare Department Notification SRO No.B-125 of 1993 at pages 126 and 127 of Part-III Section-1(B) of the Tamil Nadu Government Gazette, dated, 18.08.1993 as arbitrary and violative of article 14 and 16 of the Constitution of India, in so far as it makes a diploma in-nutrition and Health Education awarded by the Indira Gandhi National Open University as



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equal to the Post Graduate Diploma in Health Promotion and Education from the Gandhigram Institute of Rural Health and Family Welfare Trust affiliated to the Tamil Nadu Dr. MGR Medical University and being eligible for the post of Health Educator (Non-Medical) in Tamil Nadu Medical Service.

2. Heard M/s. A.S.Mujibur Rahman, learned counsel appearing for the petitioners and Mr.V.Karthikeyan, for Mr.V.Vijay Shankar, learned counsel appearing for the 2nd respondent and Mr.P.Thambidurai, learned Government Advocate (Civil Side), appearing for the respondent Nos.3 to R-5. Perused the material documents available on records.

3. The brief facts as stated in the affidavit are that, these petitioners have completed B.A [Sociology] and M.A.[Sociology]. The petitioner/ K.Seethalakshmi had also completed Multipurpose Health Worker (Female) Course in the year 1999-2001. These petitioners have also completed P.G., Diploma in Health Promotion Education in the 2nd respondent Institute in the year 2013-2014.



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4. The contention of the petitioners is that, through the impugned ***G.O.Ms.No.02 Health and Family Welfare Department, dated 06.01.2014***, the Government has amended and considered the qualification are equal and they are eligible for appointment to the post of Health Educator in Tamil Nadu Medical Services. They further contended that the said G.O. came to be passed based on the ***G.O.(D) No.817, Health and Family Welfare Department dated 14.08.2012***, wherein the Tamil Nadu Public Service Commission has declared that qualification in Post-Graduate Diploma in Health Promotion and Education offered by the Tamil Nadu Dr MGR Medical University, Chennai and the Diploma in Nutrition and Health Education offered by the Indira Gandhi National Open University, New Delhi are equivalent. The relevant portion is extracted hereunder:

.....

“3.The Government have examined the case and referred to the Tamil Nadu Public Service Commission to place the qualifications of Post-Graduate Diploma in Health Promotion and Education offered by The Tamil Nadu Dr MGR Medical University, Chennai and the Diploma in Nutrition and Health Education offered by the Indira Gandhi National



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*Open University, New Delhi before the Equivalence Committee of the Tamil Nadu Public Service Commission to look into their equivalence for the purpose of employment for the post of Health Educator / District Extension Educator. The Secretary, Tamil Nadu Public Service Commission in the reference fourth read above has stated that the matter of considering Post Graduate Diploma in Health Promotion and Education awarded by The Tamil Nadu Dr MGR Medical University as equivalent to Diploma in Nutrition and Health Education awarded by the Indira Gandhi National Open University was placed before the 34th Equivalence Committee meeting held on 30-05-2012 and **the Equivalence Committee has resolved and recommended that the candidates possessing the qualifications Diploma in Nutrition and Health Education awarded by Indira Gandhi National Open University are eligible for appointment to the Post of Health Educator.***”

5. The contention of the petitioners is that the Equivalence Committee has only stated that the qualifications Diploma in Nutrition and Health Education of Indira Gandhi National Open University are eligible for appointment to the Post of Health Educator. But has not stated that the Post



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Graduate Diploma in Health Promotion and Education awarded by the Tamil Nadu Dr MGR Medical University as equivalent to Diploma in Nutrition and Health Education awarded by the Indira Gandhi National Open University.

6. The learned counsel appearing for the petitioner relied on the Annexure, where, it has given a comparative statement of both the Courses. On bare perusal of the said Annexure, this Court is of the considered opinion that they cannot be considered as equivalent, because the Gandhigram Diploma Course has six theory papers whereas the Open University has three theory papers. On perusal of the subjects also, the Gandhigram University course has,

“Communicable Disease Control and Hygiene programme/Epidemiology, Health Administration & Environmental Sanitation, Maternal, Child Health & Nutrition and Health, Statistics, Community Organization & Development, Behavioural Science, Communication Methods and Media”.

Whereas the course in Open University has only

“Nutrition for the community, Public Health and Hygiene and Nutrition and Health Education”

On perusal of the aforesaid courses, this Court is of the considered



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opinion that both the Courses are not equivalent. The Equivalence Committee's mandate is to declare where the PG Diploma in Grandhigram University is equivalent Diploma in Open University. The Equivalence Committee has not spelt out clearly. The Government has not conducted the exercises properly. Therefore, this Court is of the considered opinion that the case has to be remitted back for fresh consideration.

7. The petitioners have not added the Tamil Nadu Public Service Commission as one of the respondents. Therefore, this Court *Suo motu* impleading the Tamil Nadu Public Service Commission, as one of the respondents.

8. Accordingly, these Writ Petitions are allowed. The ***G.O.Ms.No.02 Health and Family Welfare Department, dated 06.01.2014*** and ***G.O.(D) No.817, Health and Family Welfare Department dated 14.08.2012***, are set aside. The case is remitted back to the 5th respondent to place all the papers before the Equivalence Committee. The petitioners are at liberty to appear before the Equivalence Committee and place all the relevant materials and thereafter, the



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Equivalence Committee shall consider the Course details and come to an appropriate conclusion. The said exercise shall be completed, within a period of four months from the date of receipt of a copy of the order. No Costs. Consequently, connected miscellaneous petitions are also closed.

Index : Yes / No

10.11.2022

Internet : Yes

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To

1. The Director of Public Health
and Preventive Medicine,
DMS Complex,
Teynampet, Chennai – 600 006.
2. The Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.
3. The Secretary to Government,
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Common Order made in
W.P.(MD)Nos.15883 &
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