



W.P.No.30279 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

W.P.No.30279 of 2023  
and W.M.P.Nos.29873 & 29875 of 2023

P.S. Subha Shree

... Petitioner

*Vs.*

- 1.The Secretary to Government,  
Government of India,  
Ministry of Health and Family Welfare,  
Room No.156-A, Nirman Bhawan,  
New Delhi – 110 011.
- 2.Food Safety and Standards Authority of India,  
(A Statutory Authority established under the Food Safety  
and Standards Act, 2006),  
Rep. by its Director (Regulations),  
Ministry of Health and Family Welfare,  
FDA Bhawan, Kotla Road,  
New Delhi – 110 002.
- 3.The State of Tamil Nadu,  
Rep. by Secretary to Government,  
Health and Family Welfare Department,  
Fort St. George, Chennai – 600 009.
- 4.The Medical Services Recruitment Board,  
Rep. by its Member Secretary,  
Government of Tamil Nadu,  
No.7<sup>th</sup> Floor, DMS Buildings,  
359, Anna Salai, Teynampet,  
Chennai – 600 006.



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5. The Commissioner,  
Tamil Nadu Food Safety and  
Drug Administration Department,  
No.359, Anna Salai,  
Teynampet, Chennai – 600 006.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to convene the Expert Committee to determine the equivalence of Zoology degree to the discipline of Microbiology in exercise of power conferred Clause (ii) of rule 2.1.3 of the Food Safety and Standard Rules, 2011 with the approval of the 1<sup>st</sup> respondent and consequently forbear the 4<sup>th</sup> respondent from cancelling the provisional selection of the petitioner for the post of Food Safety Officer pursuant to the Notification No.02/MRB/2021, dated 13.10.2021.

For Petitioner : Mrs.Nalini Chidambaram,  
Senior Counsel  
for Mrs.C. Uma

For Respondents : Mr.K. Ramanamoorthy,  
Central Government Counsel [R1]

Mr.Su. Srinivasan,  
Standing Counsel [R2]

Mr.P. Kumaresan,  
Additional Advocate General – VII  
Assisted by Mr.P. Ganesan,  
Government Advocate [R3 & R5]

Mr.L. Murugavelu,  
Standing Counsel for MRB [R4]



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## **ORDER**

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With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein has given a representation to the first and second respondents on 25.04.2023, requesting to issue an equivalence certificate certifying that B.Sc. Zoology/Animal Science is equal to B.Sc. Microbiology. She further gave another representation dated 27.09.2023 to the second respondent, requesting the Expert Committee constituted by the second respondent to consider the equivalent degrees for Microbiology. Since the said representations have not been considered till date, the present Writ Petition has been filed.

3. It is needless to point out that whenever representations of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this



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Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first and second respondents herein, to consider the petitioner's representations dated 25.04.2023 and 27.09.2023, on their own merits and pass appropriate orders in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.  
No costs. Connected miscellaneous petitions are closed.

**19.10.2023**

Index: Yes/No  
Speaking order/Non-speaking order  
Internet: Yes/No  
Neutral Citation: Yes/No

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Ministry of Health and Family Welfare,  
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New Delhi – 110 011.
- 2.The Director (Regulations),  
Food Safety and Standards Authority of India,  
(A Statutory Authority established under the Food Safety  
and Standards Act, 2006),  
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- 3.The Secretary to Government of Tamil Nadu,  
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**M.S.RAMESH,J.**

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