



W.P.(MD).Nos.6178 & 7669 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).Nos.6178 & 7669 of 2023

and

W.M.P(MD)Nos.5889 & 7130 of 2023

(In W.P(MD)No.6178 of 2023)

Arthika

... Petitioner

Vs.

- 1.The Member Secretary,
Medical Service Recruitment Board,
Government of Tamil Nadu,
359, Annasalai, Chennai-6.
- 2.The Secretary,
Health Department,
Government of Tamil Nadu,
Chennai.
- 3.The Ministry of Agriculture and Farmer Welfare,
Represented by its Secretary,
New Delhi.
- 4.Indian Council of Agriculture Research,
Represented by its Director General,
Krish Bhavan, New Delhi.



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5.National Institute of Food Technology,
Entrepreneurship and Management, Thanjavur,
Pudukkottai Road, Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to accept the degree of B.Tech (Food Processing Engineering) obtained by the petitioner from the fifth respondent College and to finalise the petitioner's name in the list of selected candidates to the post of Food Safety Officer pursuant to the notification in Notification No.02/MRB/2021 issued by the first respondent, dated 13.10.2021.

For Petitioner	: Mr.K.Vinoharan
For R-1	: Mr.V.Ramesh
For R-2	: Mr.R.Suresh Kumar Additional Government Pleader
For R-3 & R-4	: Mr.B.Rajesh Saravanan Senior Panel Counsel
For R-5	: Mr.K.Govindarajan Deputy Solicitor General of India

(In W.P(MD)No.7669 of 2023)

B.Venkadesh

... Petitioner

Vs.



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- 1.The Member Secretary,
Medical Service Recruitment Board,
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- 3.The Ministry of Agriculture and Farmer Welfare,
Represented by its Secretary,
New Delhi.
- 4.Indian Council of Agriculture Research,
Represented by its Director General,
Krish Bhavan, New Delhi.
- 5.National Institute of Food Technology,
Entrepreneurship and Management,
Kundli, Haryana.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to accept the degree of B.Tech (Food Technology and Management) obtained by the petitioner from the National Institute of Food Technology, Entrepreneurship and Management, Kundli, Haryana and to finalise the petitioner's name in the list of selected candidates to the post of Food Safety Officer pursuant to the notification in Notification No.02/MRB/2021 issued by the first respondent, dated 13.10.2021.

For Petitioner : Mr.K.Vinoharan



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For R-1 : Mr.V.Ramesh
For R-2 : Mr.R.Suresh Kumar
Additional Government Pleader
For R-3 to R-5 : Mr.K.Govindarajan
Deputy Solicitor General of India

COMMON ORDER

These writ petition have been filed by two petitioners, who have been provisionally selected to the post of Food Safety Officer by the first respondent herein pursuant to a notification, dated 13.10.2021.

2. The results have been withheld for the reason that the petitioners have obtained a degree in B.Tech., (Food Technology and Management) and B.Tech., (Food Process Engineering) instead of B.Tech., Food Technology. Clause 2.1.3 of the Food Safety and Standard Rules, 2011, prescribes the qualification of the Food Safety Officer. In view of the withholding of the results, the present writ petitions have been filed.

3. The learned Counsel appearing for the writ petitioner brought to the notice of the Court that an order passed by this Court in a batch of writ petitions



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in ***W.P.Nos.9668 of 2023 (G.Dilip and Others Vs. The Commissioner of Food Safety and Drug Administration and Others)***, dated 25.09.2023, wherein three candidates have challenged the withholding of their results for their selection of the year 2023 on the ground of lack of equivalence certificate for the same degree. The learned Single Judge of this Court was pleased to implead the Central Government in the said writ petition and after issuance of a notification to the Ministry of Health and Family Welfare, dated 21.09.2023 has allowed those writ petitions and directed the respondents therein to appoint them, if they are otherwise suitable as per their original rank.

4. In view of the notification issued by the Ministry of Health and Family Welfare on 21.09.2023, the degree obtained by the writ petitioners, namely, B.Tech., (Food Technology and Management) is equivalent to B.Tech., Food Technology as prescribed by the Food Safety and Standard Rules, 2011, which prescribes the qualification of a Food Safety Officer. As far as the case of the writ petitioner in W.P(MD)No.6178 of 2023 (Arthika) is concerned, she has obtained a degree of B.Tech., (Food Process Engineering). A perusal of the notification issued by the Ministry of Health and Family Welfare, dated



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21.09.2023, clearly points out that the B.Tech., (Food Process Engineering) is also equivalent to B.Tech., Food Technology.

5. In view of the issue being covered by the judgment of a learned Single Judge of this Court and the notification issued by the Ministry of Health and Family Welfare, dated 21.09.2023, this Court is inclined to allow both the writ petitions with a direction to the respondents to appoint the writ petitioners, if they are otherwise qualified, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. These writ petitions stand allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

17.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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 - 5.National Institute of Food Technology,
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R.VIJAYAKUMAR, J.

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