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W.P. No. 10255 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 10255 of 2018

and

W.M.P. Nos. 12186 of 2018 & 22168 of 2022

Rajendran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of Municipal Administration & Water Supply,
Fort St. George, Chennai – 600 009.

2.The Director,
Public Health & Preventive Medicine,
D.M.S., Chennai – 6.

3.The Commissioner of Municipal Administration,
Chepauk, Chennai – 600 005.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to notification No. 17624/2017/J1 dated 30.12.2017 published in the newspaper edition Daily Thanthi dated 30.12.2017 issued by the third respondent pertaining to appointment of Sanitary Inspectors and quash the same and issue a direction to the third respondent to appoint the petitioner as Sanitary Inspector based on the interview dated 20.02.2015.



For Petitioner : Mr. K. Jagannathan
For Respondents : Mr. R. Neelakandan,
Additional Advocate General

ORDER

This Writ Petition has been filed against the notification No. 17624/2017/J1 dated 30.12.2017 published in the newspaper edition, Daily Thanthi dated 30.12.2017 issued by the third respondent pertaining to appointment of Sanitary Inspectors and quash the same and issue a direction to the third respondent to appoint the petitioner as Sanitary Inspector based on the interview dated 20.02.2015.

2. During the pendency of this writ petition, the petitioner filed an affidavit dated 14.03.2024 to give up his relief with respect to second part of the prayer (issue a direction to the 3rd respondent to appoint the petitioner as Sanitary Inspector based on the interview dated 20.02.2015).

3. Considering his request, now this Court is proceeding with the relief sought against issuing notification dated 30.12.2017 only.

4. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.



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5. The case of the petitioner is that, he completed BSc Chemistry, MSc Chemistry and Sanitary Inspector Diploma Course, which is the requisite qualification as prescribed by the Government of Tamil Nadu for appointment of Sanitary Inspectors. As the petitioner has completed Diploma in All India Institute of Local Self – Government, Mumbai which is recognised by the Government, the respondents are not allowing the petitioner to submit application for the post of Sanitary Inspector pursuant to the notification dated 30.12.2012.

6. A counter affidavit has been filed on behalf of the respondents. Based on the averments made in the counter affidavit, the learned Additional Advocate General appearing for the respondents contends that, the candidate who obtain Sanitary Inspector Course, Health Inspector, Certificate from the following institutions are eligible to apply the post of Sanitary Inspectors. Those institutions are:-

1. Additional Director of Health Services and Family Planning, Chennai as the Chairman, Board of Examiners, constituted by Government in this behalf: or

2. A Health Inspector's certificate awarded by the Principal, Medical College, Trivandrum: or

3. Sanitary Inspector's certificate awarded by the Director of Public Health Bombay: or

4. Sanitary Inspector certificate awarded by the Gandhigram Rural Institute.



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7. Learned Additional Advocate General would submit that only those persons who have got Sanitary Inspector / Health Inspector certificates from these institutions are eligible for Sanitary Inspector post, the petitioner has not studied in any one of the above institution. Hence, as per the Tamil Nadu Municipal Public Health Regulations, 1970, the petitioner is not eligible for the post of Sanitary Inspector in Municipal Administration Department and sought to dismiss the writ petition.

8. During the course of hearing, the learned counsel for the petitioner has drawn attention of this Court towards the order dated 29.07.2009 in W.P. No.26024 of 2006 and batch wherein, the identical issue has been dealt by this Court. The relevant paragraph in the said order is extracted herein under for proper adjudication of the present case: -

“8. This is the only stand taken by the respondent department. As far as this stand of the respondents is concerned, by the order dated 02.02.1990 passed by this Court in W.P. No. 12231 of 1990, directions were issued to the Government of Tamil Nadu and the Director of Public Health and Preventive Medicine, Madras to recognise the certificates issued in the Sanitary Inspectors Diploma Course conducted by the All India Institute of Local Self – Government, Mumbai wherein the petitioners had also undergone the Sanitary Inspectors course and it is not also argued by the learned Additional Government Pleader that as against this order, any writ



appeal has been filed. Consequently, as per the above said order passed by this Court which has been issued in the year 1990 itself, directions were issued to the Government of Tamil Nadu and the Director of Public Health and Preventive Medicine, Madras to recognise this course. In spite of the direction issued by this Court, when no orders have been passed in this regard either by the State Government or by other concerned authorities, the respondents cannot take advantage of their own mistake and deny appointment to the petitioners. That apart, when an institution has been approved by the Government of India and also the other State Government, no reason has been brought to the notice of this Court as to why the Government of Tamil Nadu has not recognised this institution. As rightly pointed out by the learned counsel for the petitioners, only with the fond hope of getting an appointment, all these petitioners have undergone the said course in the above paid institution at Mumbai. It is not the case of the respondent department also that the course conducted by the said institution is not equivalent to that of the Sanitary Inspectors course as conducted by the State of Tamil Nadu. Since already this Court has issued a direction to the State Government and also to the Director of Public Health and Preventive Medicine, Chennai to recognise the certificate issued for the Sanitary Inspector Diploma Course by the All India Institute of Local Self – Government, Mumbai as early as 1990 and when that order has become final, I am of the opinion that the petitioners are entitled to the relief.”

9. On perusal of the same, it is clear that the issue involved in the present writ



petition has been considered by this Court in the above order stated supra and gave categorical finding that the Sanitary Inspectors Diploma Course certified by the All India Institute of Local Self – Government, Mumbai and the certificate has to be counted for the Sanitary Inspector post and held that the petitioners therein are entitled for the appointment of the Sanitary Inspector post.

10. In the considered opinion of this Court, the said order is squarely applicable to the issue involved in the present case.

11. During the course of hearing of this case, on instructions, it is brought to the notice of the Court by the learned Additional Advocate General appearing for the respondents that the vacancies notified pursuant to the notification dated 30.12.2017 for the appointment of Sanitary Inspector has not been finalised yet. The statement is placed on record.

12. In view of the fact that the selection process for appointment of Sanitary Inspector was not yet finalised till now pursuant to the notification dated 30.12.2017, this Court is of the considered view to allow the writ petition with the following direction: -

- i) The Writ Petition is allowed.
- ii) The third respondent is directed to allow the petitioner to



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participate in the selection process pursuant to the Notification No.

17624/2017/J1 dated 30.12.2017 and his case is claimed for appointment of Sanitary Inspector shall be considered, if he is otherwise eligible.

13. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

29.10.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

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