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W.P.No.6978 of 2024 etc. batch

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR JUSTICE C.KUMARAPPAN

W.P.Nos.6978, 6165, 6284, 5408, 7478, 7189, 6644, 6577, 6578, 7100,
7107, 9435, 9446, 7966 & 9237 of 2024 and W.P. (MD) Nos.6094, 6098
and 7650 of 2024

and

W.M.P.Nos.7787, 7789, 6826, 6827, 6985, 5960, 5962, 8374, 8376, 8037,
8044, 7389, 7390, 7299, 7302, 7303, 7306, 7947, 7984, 7954, 7955, 7986,
10438, 10440, 10442, 10443, 8935, 10272 & 10273 of 2024 and
W.M.P.(MD) Nos.5728, 5729, 5731, 5739, 5740, 5742, 7001 and 7003 of
2024

W.P.No.6978 of 2024

1. G.Balaji
2. Kishore Kumar R
3. Anushiya.C
4. Divyadharshini
5. K.Kavitha
6. Kowsalya.G
7. M.Ramkumar
8. V.Vijaya
9. Vennila.M
10. Mahalakshmi.P
11. K.Nivedha
12. Sarumathi.M
13. L.Alex
14. S.Savari Raj
15. D.Dharshini

1/10



W.P.No.6978 of 2024 etc. batch

16. P.Sivagami

...Petitioners

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Vs.

1. The State of Tamil Nadu,
Represented by the Principal Secretary,
Municipal Administration & Water Supply Department,
Secretariat,
Chennai – 600005.

2. The Director,
Directorate of Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600028.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent and declare that G.O.Ms.45, Municipal Administration and Water Supply Department dated 12.04.2023 Part III-Special Rules relating to Tamil Nadu Municipal Corporation Service as embodied in Rule 211 of the Tamil Nadu Urban Local Bodies Rules, 2023 in Table IV-Municipal Corporation Medical, Sanitation and Public Health Wing-Division II (Sanitotion)-S.No.2 Sanitary Inspector-insofar as it relates to direct recruitment, is arbitrary and hence, ultra vires the Constitution and declare it as illegal and unsustainable in law; and the consequential notification issued by the Municipal Administration and Water Supply Department vide Notification No.01/DMA/Recruitment/2024 dated



W.P.No.6978 of 2024 etc. batch

02.02.2024 in Clause 6 Educational Qualification at S.No.16 and quash the same as illegal, Arbitrary, contrary to law and ultra vires to Article 14 of the Constitution of India.

For Petitioners in W.P.No.6978 of 2024	:	Mr. M.Nivas Gokul
For Respondents in W.P.No.6978 of 2024	:	Mr. P.S.Raman, AG, assisted by Dr.T.Seenivasan, SGP (MAW)
For Petitioners in W.P.No.6165 of 2024	:	Mr.A.Leeban
For Respondents in W.P.No.6165 of 2024	:	Mr. P.S.Raman, AG, assisted by Dr.T.Seenivasan, SGP (for R1, R2, R4 & R5) Mr. A.Arun Babu, SC (for R3) Mr.Ma.Pa.Thangavel, SC R6)
For Petitioners in W.P.No.6284 of 2024	:	Mr.N.Balamuralikrishnan
For Respondents in W.P.No.6284 of 2024	:	Mr. P.S.Raman, AG, assisted by Dr.T.Seenivasan, SGP (for R1 to R4) Mr.A.Arun Babu, SC (for R5) Mr.Ma.Pa.Thangavel, SC R6) No appearance (for R7)
For Petitioners in W.P.No.5408 of 2024	:	Mrs.N.Kavitha Rameshwar
For Respondents in W.P.No.5408 of 2024	:	Mr. P.S.Raman, AG, assisted by Dr.T.Seenivasan, SGP (for R1 to R3 & R5) Mr.A.Arun Babu, SC (for R4)
For Petitioners in W.P.No.7478 of 2024	:	Ms.G.Sumitra



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W.P.No.6978 of 2024 etc. batch

For Respondents in : Mr. P.S.Raman, AG,
W.P.No.7478 of 2024 assisted by Dr.T.Seenivasan,
SGP (for R1 to R3 & R5)
Mr.A.Arun Babu, SC (for R4)

For Petitioners in : Mr. S.Ayyathurai
W.P.No.7189 of 2024

For Respondents in : Mr. P.S.Raman, AG,
W.P.No.7189 of 2024 assisted by Dr.T.Seenivasan,
SGP

For Petitioners in : Mr.A.Leeban
W.P.No.6644 of 2024

For Respondents in : Mr. P.S.Raman, AG,
W.P.No.6644 of 2024 assisted by Dr.T.Seenivasan,
SGP (for R1, R2, R4 & R5)
Mr.A.Arun Babu, SC (for R3)
Mr.Ma.Pa.Thangavel, SC
(for R6)
No appearance (for R7)

For Petitioners in : Ms.M.Akila
W.P.Nos.6577 & 6578
of 2024

For Respondents in : Mr. P.S.Raman, AG,
W.P.Nos.6577 & 6578 assisted by Dr.T.Seenivasan,
of 2024 SGP (for R1 to R3 & R5)
Mr.A.Arun Babu, SC (for R4)

For Petitioners in : C.Iyyapparaj
W.P.Nos.7100 & 7107
of 2024

For Respondents in : Mr. P.S.Raman, AG,
W.P.Nos.7100 & 7107 assisted by Dr.T.Seenivasan,
of 2024 SGP (for R1, R2, R4 & R5)



WEB COPY



W.P.No.6978 of 2024 etc. batch

Mr.A.Arun Babu, SC (for R3)
Mr.Ma.Pa.Thangavel, SC
(for R6)

For Petitioners in : Mr.N.Suresh
W.P.Nos.9435 & 9446
of 2024

For Respondents in : Mr. P.S.Raman, AG,
W.P.Nos.9435 & 9446 assisted by Dr.T.Seenivasan,
of 2024 SGP (for R1, R2, R3 & R5)
Mr.A.Arun Babu, SC (for R4)

For Petitioners in : Mrs. Nalini Chidambaram,
W.P.No.7966 of 2024 Senior Counsel
for Mrs.C.Uma

For Respondents in : Mr. P.S.Raman, AG,
7966 of 2024 assisted by Dr.T.Seenivasan,
SGP (for R1, R2 & R4)
Mr.A.Arun Babu, SC (for R3)
Mr.Ma.Pa.Thangavel, SC
(for R5)

For Petitioner in : Ms.G.Sumitra
W.P.No.9237 of 2024

For Respondents in : Mr. P.S.Raman, AG,
9237 of 2024 assisted by Dr.T.Seenivasan,
SGP (for R1 to R3 & R5)
Mr.A.Arun Babu, SC (for R4)

For Petitioner in : Mr.S.Sankar
W.P.(MD).No.6094 of
2024

For Respondents in : Mr. P.S.Raman, AG,
W.P.(MD).No.6094 of assisted by Dr.T.Seenivasan,
2024 SGP

For Petitioners in : Mr. S.Saravagan Prabhu



W.P.No.6978 of 2024 etc. batch

W.P.(MD).No.6098 of
2024

For Respondents in
W.P.(MD).No.6098 of
2024

For Petitioners in
W.P.(MD).No.7650 of
2024

For Respondents in
W.P.(MD).No.6098 of
2024

Mr. P.S.Raman, AG,
assisted by Dr.T.Seenivasan,
SGP

Mr.H.Vishal,
for Mr.E.Aakash

Mr. P.S.Raman, AG,
assisted by Dr.T.Seenivasan,
SGP

COMMON ORDER

*(Order of the Court was delivered by **R.SUBRAMANIAN, J.**)*

Challenge in these Writ Petitions is to the vires of the rules that introduced a new set of qualifications for the post of Sanitary Inspectors.

2. Now, the Deputy Secretary to the Government, Municipal Administration and Water Supply Department, has filed a status report. In paragraph 6 of the said status report, it reads as follows:-



W.P.No.6978 of 2024 etc. batch

WEB COPY

“Hence, it is respectfully submitted that as the new rules came into force w.e.f. 13.04.2023, the Hon'ble High Court may be pleased to issue suitable directions that the applications who have acquired qualifications prior to the notification of the existing rules (Tamil Nadu Urban Local Bodies Rules, 2023) may be considered for the post of Sanitary Inspector by taking into account the qualifications prescribed in the respective rules (Tamil Nadu Municipal Public Health Service Regulations, 1970 and the Tamil Nadu Urban Local Bodies Rules, 2023), as a one-time measure for this subject recruitment process.”

3. The learned Advocate General appearing for the respondents would also make a statement that all those persons who have taken the examination pursuant to the notice dated 02.02.2024 will be considered for appointment as per the old Rules. Therefore, the challenge does not survive in effect.

4. In view of the same, these Writ Petitions are closed with a direction to the State Government to consider all persons who have taken the examination pursuant to the notification dated 02.02.2024 for the post of



W.P.No.6978 of 2024 etc. batch

Sanitary Inspectors. Consequently, the connected Miscellaneous Petitions are also closed. No costs.

(R.S.M., J.) (C.K., J.)
18.12.2024

kv
Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No

To

1. The Principal Secretary,
The State of Tamil Nadu,
Municipal Administration & Water Supply Department,
Secretariat,
Chennai – 600005.

8/10



W.P.No.6978 of 2024 etc. batch

2. The Director,
Directorate of Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600028.



WEB COPY



W.P.No.6978 of 2024 etc. batch

R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

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W.P.No.6978 of 2024 etc. batch

18.12.2024