



W.P.No.10185 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10185 of 2024

J.Sharmila

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to
Government, Municipal Administration
and Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009
- 2 The State of Tamil Nadu,
Rep. by its Additional Chief
Secretary to Government,
Health and Family Welfare
Department, Secretariat,
Fort St.George,
Chennai-600 009.
3. The Commissioner of Municipal Administration,
MRC Nagar, Rajah Annamalaipuram,



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Chennai-600 028

4. The Director of Public Health and
Preventive Medicine,
DMS Compound,
Anna Salai,
Teynampet,
Chennai - 600 006

5. The Director of Town Panchayats,
MRC Nagar, Rajah Annamalaipuram,
Chennai-600 028.

6. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.

7. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai-625 021

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a WRIT OF MANDAMUS, directing the Respondents to issue posting order to the petitioner in the post of Sanitary Inspector based on the appointment order issued in Na.Ka. No. C2/5556/2013 dated 03.03.2014 withheld seeking clarification from the Government, consequent to the orders of Government in G.O.Ms.No.45 Higher Education Department dated 19.04.2022 declared equivalence of the qualification acquired by the



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Petitioner, in consideration of representation submitted by the Petitioner dated 04.05.2022, within a time frame to be fixed by this Court.

For the Petitioner	: Mr.G.Sankaran, Senior counsel for Mr.S.Nedunchezhiyan
For Respondents 1 to 5	: Mr.C.Jayaprakash, Government Advocate
For Respondent No.6	: Mr.A.S.Ragul Adhithya for M/s.P.T.Ramadevi

ORDER

The petitioner has filed the present Writ Petition for a WRIT OF MANDAMUS, to direct the Respondents to issue a posting order to the petitioner in the post of Sanitary Inspector based on the appointment order issued in Na.Ka. No. C2/5556/2013 dated 03.03.2014, withheld seeking clarification from the government, consequent to the orders of the government in G.O.Ms.No.45 Higher Education Department dated 19.04.2022 declaring equivalence of the qualification acquired by the petitioner, in consideration of representation submitted by the petitioner dated 04.05.2022, within a time frame to be fixed by this Court.



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2. The petitioner possesses the educational qualification of 10+2+ B.Sc. (Chemistry) degree + P.G. Diploma in Environmental Sanitation Science (Sanitary Inspector course) from the Water Sanitation and Hygiene (WASH) Institute affiliated with Madurai Kamaraj University. The petitioner had also registered her qualifications on the Employment Exchange. While so, upon being sponsored by the Employment Exchange, the petitioner and 62 others were selected for the post of sanitary assistant in the 6th respondents corporation by an order dated 24.02.2014. However, the order was not given effect since the equivalent P.G. diploma which was obtained by the petitioner and similarly situated candidates were doubted by the respondents. The petitioner therefore approached this Court by way of W.P.No.3301 of 2014, and by an order dated 07.02.2014, this court directed the respondents to consider the representation of the petitioners dated 27.01.2014 and pass orders regarding the appointment of the petitioners.

2.1. Even thereafter, since no appointment was granted taking exception to the equivalence of the qualifications of the petitioners, the petitioners were again constrained to approach this Court by way of W.P.No.



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2115 of 2015 and by an order dated 19.07.2017, this Court directed the competent authority to take appropriate steps, consider all the issues in light of G.O.Ms.No.107, dated 13.04.2017 and pass appropriate orders on merits in accordance with the law. Thereafter, the matter was referred to the Equivalence Committee and vide G.O.Ms. No. 45 Higher Education Department dated 19.04.2022, the Equivalence Committee opined that the P.G. Diploma in Environmental Sanitation Science offered by the Water Sanitation and Hygiene (WASH) Institute affiliated with Madurai Kamaraj University as equivalent to the Sanitary Inspector Course of the Government of Tamil Nadu has been issued in G.O.Ms.No.2051 dated 27.06.1942 for the post of Sanitary Inspector and Health Inspector. Therefore, the respondents have no other choice but to continue the process in accordance with the law and appoint the petitioner as a sanitary assistant. The petitioner made a representation dated 04.05.2022 and forwarded it with a reminder dated 08.06.2022 after the government order relating to equivalence was passed. Since there was no positive response, the petitioner has come up by way of the present Writ Petition.



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2.2. It is also the case of the Writ Petitioner that the matter is no longer *res integra* and has been covered by the Hon'ble Full Bench of this Court in ***Nadar Thanga Shabha Laxman.A Vs. The State of Tamil Nadu*** [reported in ***2014-2-L.W.881***] in which it has been categorically held that the equivalence committee once declares the existing fact, and once the equivalence is declared, then the validity of the relevant qualification would date back to the obtaining of the very date of the qualification.

3. When the matter came up for hearing today, the learned counsel appearing on behalf of the 6th respondent Corporation would submit that pursuant to the G.O. passed by the government regarding equivalence, the entire issue has been considered by the corporation and a proposal is sent to the government for approval of the recruitment and for making appointments in respect of the 63 persons who were recruited earlier in the year 2014, and a proposal dated 03.07.2023 bearing Public Sanitation Department Na.Ka.No.C2/4332/2022 has been sent to the 1st respondent and the matter is pending with the government.

4. The learned Government Advocate appearing on behalf of the first



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respondent would submit that the proposal would be considered in accordance with the law and a decision would be taken within such time as may be specified by this Court.

5. In view thereof, this Writ Petition is disposed of on the following terms:

- (i) The 1st respondent is directed to consider the proposal dated 03.07.2023 bearing Public Sanitation Department Na.Ka.No.C2/4332/2022 and take a decision in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.
- (ii) No costs. Consequently, the connected miscellaneous petition is closed, if any.

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Neutral Citation : Yes/No

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- 2 The Additional Chief
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