



WA No.1334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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- 1.P.E.Saravanan
- 2.G.Venkatesh
- 3.Ebenezer Jackson Durai A
- 4.B.Manimaran
- 5.S.Ramkumar
- 6.M.Kathiravan
- 7.R.Viji
- 8.V.Mugunthanraj
- 9.Jeyashreevishnu Kumar
- 10.P.Udayanithi
- 11.P.Santhosh Kumar
- 12.K.Suresh Kumar

... Appellants

versus

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.



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2.The Director,
Directorate of Public Health and Preventive Medicine,
Government of Tamil Nadu,
No.359, Anna Salai, DMS Complex,
Teynampet,
Chennai - 600 006.

3.The Chairman,
Medical Service Recruitment Board,
Government of Tamil Nadu,
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai- 600 006.

4.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai- 600 009.

5.The Commissioner,
Municipal Administration & Water Supply Department,
Chepauk, Chennai -600 005.

6.The Principal,
Pondicherry University Community College,
(A Constituent College of Pondicherry)
Lawspet, Puducherry-605 008.

7.Gowtham ... Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge
in WP No.22426 of 2023 dated 04.04.2024.



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For the Appellants

:Mr.R.Singaravelan
Senior Counsel

For the Respondents

:Mrs.M.Sneha
Special Counsel
Assisted by Mr.M.Bindran
Additional Government Pleader
for respondents 1 and 2
Mr.A.Edwin Prabhakar
State Government Pleader
for respondents 4 and 5
Mr.L.Murugaveln
for third respondent
No appearance-respondents 6 and 7

JUDGMENT

(Made by the Hon'ble Acting Chief Justice)

This writ appeal is filed against the order of the learned Single Judge in WP No.22426 of 2023 dated 04.04.2024.

2. Challenging the notification dated 11.07.2023, issued by the third respondent/Medical Services Recruitment Board, relating to age limit, educational qualification and procedure of selection, the appellants had filed the writ petition. The writ court, by order dated 04.04.2024, had dismissed the writ petition. Aggrieved by the said order passed by the writ court, the appellants have filed the present intra-court appeal.



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3. Learned Senior Counsel appearing for the appellants submits that the respondent Department has not considered the appellants for selection to the post of Health Inspector Grade II, for the reason that the appellants were possessing Diploma in Sanitary Inspector DSI Course awarded by the Pondicherry University. The said course is not notified/recognized in the recruitment rules of Government of Tamil Nadu.

4. Learned Senior Counsel for the appellants further submitted that now, the Government has passed G.O.Ms.No.243, Higher Education (K1) Department dated 12.09.2023. The relevant portion of the Government Order reads as under:

In the letter second read above, the Member Secretary, Tamil Nadu State Council for Higher Education, has forwarded the resolutions passed in the 21st Equivalence Committee meeting held on 28.08.2023 under the Chairmanship of the Principal Secretary to Government, Higher Education Department, on the Equivalence of Degrees offered by various Universities/Educational Institutions to the similar Degrees for the purpose of employment in Public Service.

The Government, after careful



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consideration, approve the following resolutions passed in the 21st Equivalence Committee meeting held on 28.08.2023, under the Chairmanship of the Principal Secretary to Government, Higher Education Department from the date of issuance of such degrees:-

.....

.....

Public Services-Educational Qualification- Consideration of Diploma in Sanitary Inspector awarded by Pondicherry University as to whether equivalent to Multipurpose Health Worker (Male) (One Year Course) offered by Directorate of Public Health and Preventive Medicine for the post of Multipurpose Health Worker (Male).

5. Learned Senior Counsel appearing for the appellants would request that in the light of the aforesaid Government Order, permission may be granted to the appellants to make a representation to the second respondent to consider them for selection to the post of Health Inspector Grade II in the respondent Department.

6. Learned Special Counsel appearing for the respondents 1 and 2 would fairly agree that if such representation is made by the appellants, the



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same will be considered by the Department, if they are otherwise eligible under the Rules.

7. In the light of the aforesaid submission made by the parties, we are inclined to pass orders as follows:

i) The appellants are directed to make representations to the second respondent, within a period of two weeks, from the date of receipt of a copy of this judgment.

ii) If such representation is made by the appellants, within a period two weeks, the second respondent is directed to consider the same, in accordance with law, by considering G.O.Ms.No.243, Higher Education (K1) Department dated 12.09.2023 and to pass orders, as early as possible, within a period of eight weeks thereafter.

8. With the above directions, the writ appeal stands disposed of.



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There shall be no order as to costs. Consequently, CMP No.9637 of 2024 is closed.

(D.K.K., ACJ.) (K.B., J.)
22.07.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.
- 2.The Director,
Directorate of Public Health and Preventive Medicine,
Government of Tamil Nadu,
No.359, Anna Salai, DMS Complex,
Teynampet,
Chennai - 600 006.
- 3.The Chairman,
Medical Service Recruitment Board,
Government of Tamil Nadu,
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai- 600 006.
- 4.The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai- 600 009.

THE HON'BLE ACTING CHIEF JUSTICE

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and
K.KUMARESH BABU,J.

(mrn)

5.The Commissioner,
Municipal Administration & Water Supply Department,
Chepauk, Chennai -600 005.

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