



W.P.(MD)No.14297 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14297 of 2024 &
W.M.P.(MD)Nos.12549 & 12550 of 2024

V.V.Kapilan

... Petitioner

vs.

- 1.The Government of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
 - 2.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Chennai - 600 009.
 - 3.The Director of Public Health and Preventive Medicine,
DMS Campus, Teynampet, Chennai 600 008.
 - 4.The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai - 600 028.
 - 5.The Commissioner,
Greater Chennai Corporation, Chennai.
 - 6.The Commissioner of Municipal Corporations,
Madurai.
- ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Notification No.01/DMA/Recruitment/2024 dated 02.02.2024 and 09.02.2024 of Table - I at Sl.No.16 issued by the fourth Respondent and quash the same and consequently direct the first and second Respondents to amend the rules of recruitment by fixing a uniform qualification for the post of Health Inspector and Sanitary Inspector as per the G.O.(Ms)No.107, Health and Family Welfare (N1) Department dated 13.04.2017 and G.O.(Ms)No.104, Health and Family Welfare (L1) Department dated 28.03.2023 within a time limit to be fixed by this Court.

For Petitioner : Mrs.Chamundi Bose

For Respondents : Mr.R.Bhaskaran,
Additional Advocate General
assisted by
Mr.S.Shanmugavel
Additional Government Pleader
for R1 to R4

Mr.S.Vinayak
Standing Counsel for R6

ORDER

Heard Mrs.Chamundi Bose, learned counsel appearing for the petitioner, Mr.R.Bhaskaran, learned Additional Advocate General for the



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respondents 1 to 4 and Mr.S.Vinayak, learned Standing Counsel for the sixth respondent.

2. The petitioner has filed this petition seeking to quash the impugned Notification No.01/DMA/Recruitment/2024 dated 02.02.2024 and 09.02.2024 of Table - I at S.No.16 issued by the fourth respondent and consequently direct the respondents 1 and 2 to amend the rules of recruitment by fixing an uniform qualification for the post of Health Inspector and Sanitary Inspector as per the G.O.(Ms)No.107, Health and Family Welfare (N1) Department dated 13.04.2017 and G.O.(Ms)No.104, Health and Family Welfare (L1) Department dated 28.03.2023 within a stipulated time.

3. The impugned notification has been issued by the Director of Municipal Administration for inviting applications for multiple posts including the Sanitary Inspector for Corporation and Municipality. The qualification criteria as shown in the notification for the post of Sanitary Inspectors is B.Sc. degree in Zoology allied with Chemistry or Chemistry



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allied with Zoology or B.Sc. degree in Public Health or Environmental Science or Microbiology or Bio-Chemistry. Apart from that the candidates must have completed Sanitary Inspector course from any institution approved by the Government of Tamil Nadu.

4. The petitioner possesses a Certificate for completing two year Sanitary Inspector course together with +2 qualification. It is claimed by the petitioner that when similar notification was issued for the post of Health Inspector, a subsequent amendment has been brought vide the Government Order in G.O.Ms.No.104, Health and Family Welfare (L1) Department dated 28.03.2023 and by virtue of the said amendment, even with no Bachelor Degree, if a candidate has got a Certificate for completing the two year Course from any institution approved by the Government of Tamil Nadu along with +2 qualification, he / she is qualified to apply to the post of Health Inspector.

5. Drawing the above analogy, it is claimed by the petitioner that similar such amendment ought to have been made for recognizing the



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two year Certificate course with plus two as sufficient educational qualification for appointment to the post of Sanitary Inspector.

6. The attention was drawn to the syllabus designed for Multipurpose Health Worker (male) / Health Inspector / Sanitary Inspector Course by the Director of Public Health and Preventive Medicine, Chennai. In the said syllabus, the minimum qualification prescribed for the appointment is higher secondary pass with Biology or Zoology or Botany as a subject along with a pass in Tamil Language in 10th standard level.

7. It is contended by the petitioner that he has completed the two year Sanitary Inspector Course. However, the qualification prescribed in the impugned notification for Sanitary Inspectors requires a degree along with the Sanitary Inspector Course and hence, the petitioner was not able to apply to the said post. So, the petitioner submitted that the impugned notification is illegal and is in violation of amendment to the Rules as discussed above.



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8. Mr.R.Bhaskaran, learned Additional Advocate General appearing for the respondents 1 to 4 submitted that the syllabus which has been designed by the Director of Public Health and Preventive Medicine is meant for public appointments under the Government of Tamil Nadu and the impugned notification has been issued for the Local Body appointments and hence, it may not be applicable.

9. It is pertinent to make a mention about the Government Order in G.O.Ms.No.91, Municipal Administration and Water Supply (P) Department, dated 11.02.2015, wherein, even for the post of Sanitary Inspector under the Municipal Administration and Water Supply Department, the essential qualification is prescribed as B.Sc. degree with Chemistry in main subject. Even though amendment has been brought to amend the requirement of basic degree to the post of Health Inspector, similar such amendment has not been made in respect of the Educational qualification required for the post of Sanitary Inspector. In such circumstances, the educational qualification for the post of Sanitary Inspector in the impugned notification cannot be *per se* considered as



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violation of rules. But, the expectation of the petitioner is reasonable in view of the fact that for Health Inspector and Sanitary Inspector, same syllabus is prescribed by the third respondent in pursuant to the guidelines issued by the Government Order in G.O.Ms.No.107, Health and Family Welfare (N1) Department, dated 13.04.2017.

10. At this juncture, the learned Additional Advocate General appearing for the respondents 1 to 4 submitted that the job role for the Health Inspector and Sanitary Inspector in the Government of Tamil Nadu is different from the similar role played by such persons in Local Bodies and it is prerogative of the Government to fix a higher qualification for Sanitary Inspectors meant for Municipal Administration and Water Supply Department.

11. It is difficult to get convinced by the above argument because, the syllabus for the Sanitary Inspector is said to be exhaustive and comprehensive, which is inclusive of the essential areas which have to be studied by the persons going to be appointed as Health Inspector



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and Sanitary Inspector. In my opinion, omission to issue similar amendment for educational qualification for the post of Sanitary Inspector as similar to that of the amendment issued with regard to the post of Health Inspector in Government Order in G.O.(Ms)No.104, Health and Family Welfare (L1) Department dated 28.03.2023 appears to be out of sight issue.

12. It is unfortunate that the petitioner could not apply during this recruitment as he had come to Court belatedly after the last date for submitting the application has already been over.

13. It is to be noted that as on the date when the notification was issued, there was no amendment to the rules and all that the impugned notification contained with regard to the educational qualification requirement for the post of Sanitary Inspector was only in accordance with the Government Order in G.O.Ms.No.91, Municipal Administration and Water Supply (P) Department, dated 11.02.2015.



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14. It is pertinent to point out that the educational qualification prescribed to the post of Sanitary Inspector in the Government Order in G.O.Ms.No.91, Municipal Administration and Water Supply (P) Department, dated 11.02.2015 is bit confusing as it contemplates B.Sc. degree with Chemistry in main subject as qualification for promotion and any Certification in computer course as qualification for direct recruitment. The Certification in computer course is purely irrelevant to the job role of the Sanitary Inspector.

15. Be that as it may, by taking into consideration of the advantage that has been given for the educational qualification requirement for the post of Health Inspector, the same can be extended to the post of Sanitary Inspector also.

16. At this juncture, Mrs.Chamundi Bose, learned counsel appearing for the petitioner submitted that the petitioner and similar such persons are working as temporary Sanitary Inspectors in the third respondent Department with the fond hope that their qualification will be



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considered for permanent appointment to the post of Sanitary Inspector.

It is further submitted by her that the petitioner had worked in the third respondent Department during Covid-19 pandemic time.

17. The petitioner and like others have lost the opportunity to apply to the post called for despite they had done the proper course. In fact, they have practical lapse as well. But for the oversight to amend the Rules on par with similar amendments done for Health Inspectors, the petitioners could have tried their chances for the posts of Sanitary Inspectors now called for. So, I feel in all fairness, the respondents 1 and 2 should consider and endeavour to amend the Rules so as to limit the basic educational requirement as plus two with the additional qualification of complying two years Sanitary Inspector Certificate course and issue an addendum to accommodate the persons like petitioner also to apply for the post of Sanitary Inspector and compete with the other candidates and try their chances.



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18. Even though the petitioner seems to have filed the writ petition shortly after the notification is issued, due to some technical reason, he can get it listed before the appropriate Bench after a considerable delay. So, at this stretch of time, I feel it is not appropriate to stall the selection process, though the respondents in their best wisdom consider to postpone the release of the results of the select list, until a decision is taken in this regard, in the light of the above observations, by considering the plight of the individuals like the petitioner.

19. With the above observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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R.N.MANJULA, J.

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