



W.P.(MD).No.20353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20353 of 2024

and

W.M.P(MD)No.17259, 17260 & 17261 of 2024

1.M.Chandramohan,
2.S.Rajkumar,
3.K.V.Saravanan,
4.S.Chandra Seker,
5.V.Rajesh Kumar.

... Petitioners

VS

1.The Commissioner of Food Safety and Drug Administration,
O/o. the Commissioner of Food Safety and Drug Administration,
DMS Campus, Annasalai,
Chennai – 600 006.

2.The Member Secretary,
Tamil Nadu Medical Services Recruitment Board,
DMS Building No.359,
Annasalai, Teynampet,
Chennai – 600 006.

3.The Secretary to Government,
Health and Family Welfare (M1) Department
Secretariat, Chennai – 9.



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4.Tamil Nadu State Food Safety Officers Welfare Associations,
(Reg. No.190/2012),
Rep. by the General Secretary P.Senthil Kumar,
No.27A, Venkata Lakshmi Nagar,
Trichy Road, Singanallur,
Coimbatore – 641 005.

... Respondents

*[R3 is suo motu impleaded vide order dated 02.09.2024
in W.P.(MD)No.20353 of 2024]*

*[R4 is impleaded vide order dated 24.09.2024 in W.M.P.(MD)
No.19341 of 2024]*

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of revised provisional selection list in No. 02/MRB/2021 dated 21.08.2024 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondents No.1 and 2 to settle the service conditions of the petitioners / existing Food Safety Officers who are working in the Department from 20.09.2011 with necessary absorption in the newly created department called Tamil Nadu State Food Safety and Drug Administration Department prior to issuance of appointment orders to the newly recruited candidates based on the Impugned Revised Selection List dated 21.08.2024.

For Petitioner : Mr.S.Louis

For Respondents
for R1 : Mr.Veera Kathiravan,
Additional Advocate General
asst. by Mr.S.Shaji Bino
Special Government Pleader



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for R2 : Mr.V.Ramesh, Standing Counsel
for R4 : Mr.B.Saravanan, Senior Counsel
for Mr.K.Gopal

ORDER

The instant Writ Petition has been filed by the existing incumbent Food Safety Officers working in the Food Safety Department challenging the provisional selection list published by the Medical Services Recruitment Board on 21.08.2024 and for a consequential direction to the respondents 1 and 2 to settle the service conditions of the petitioners who are working in the department from 20.09.2011 with necessary absorption in the newly recruited department called as Tamil Nadu State Food Safety and Drug Administration Department.

2. The Writ Petitioners herein were originally appointed as Health Inspectors under the Prevention of Food Adulteration Act and they were governed by the concerned local bodies. Later, when the Food Safety and Standards Act, 2006 came into force, the petitioners were directed to act as Food Safety Officers under the new Act from 2011 onwards.



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3. The Medical Services Recruitment Board had issued a recruitment notification on 13.10.2021. In notification dated 13.10.2021, applications have been called for, for the appointment of Food Safety Officers by way of direct recruitment and pursuant to the said notification, several candidates have applied and a provisional selection list was published. Later, a revised provisional selection list was published on 21.08.2024, which is under challenge in the present Writ Petition.

4. The apprehension of the Writ Petitioners is that though they are working as Food Safety Officers from the year 2011 onwards, unless their service conditions are settled by the Government, their seniority would be affected.

5. The learned Additional Advocate General appearing for the first respondent herein has contended that service conditions were framed for the Food Safety Officers under G.O.Ms.No.438, Health and Family Welfare (M1) Department, dated 24.09.2018 and the same came into force on 24.09.2018 itself. Thereafter, an amendment in the Service Rules was issued under G.O.Ms.No.201, Health and Family Welfare (M1) Department, dated



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30.06.2022, wherein Rule 10 was inserted. As per the said Rule, nothing in the Service Rules, shall adversely affect the persons holding the post of Food Safety Officers on the date of publication of these Rules. Therefore, according to the learned Additional Advocate General, the recruitment of the Food Safety Officers under the notification of the Medical Services Recruitment Board, would not in any way affect the services of the Writ Petitioners, who are already working as Food Safety Officers.

6. The learned Additional Advocate General also relied upon the counted filed by the Commissioner of Food Safety, Chennai, especially paragraph 13, which is extracted as follows:

“13. It is further submitted that the 2nd respondent has published the revised provisional selection list, pursuant to the direction of the Hon’ble High Court in Contempt Petition No.868 of 2024. Considering the provisional selection list and issuing appointment orders to the selected candidates would not affect the service conditions of the existing Food Safety Officers, since their absorption and seniority related matters are pending at the government”



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7. From the reading of Rule No.10 of the Service Rules applicable to the Food Safety Officers as well as the counter filed by the State, it is clear that so far the Government has not taken any stand with regard to settling the service conditions of the already existing Food Safety Officers from the year 2011 onwards. That apart, the direct recruitment notification has been issued only for the vacancies excluding the present Food Safety Officers. Therefore, the provisional selection list has been published by the Medical Services Recruitment Board. The Writ Petitioner may not have any grievance over the provisional selection list issued by the Medical Services Recruitment Board for directly recruiting the Food Safety Officers.

8. In view of the abovesaid facts, this Court is inclined to dispose of the Writ Petition with an observation that as and when the State settles the service conditions of the Writ Petitioners, in case, they are aggrieved over the said service conditions, they are at liberty to approach the competent authorities.

9. With the above observation, this Writ Petition is disposed of. No



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costs. Consequently, connected miscellaneous petitions are closed.

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(2/2)

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

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R.VIJAYAKUMAR,J.

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