



W.P.No.5846 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.5846 of 2023
and W.M.P.Nos.5837, 5838 and 5839 of 2023

Dr.Mohammed Fharook M

... Petitioner

-VS-

1. The Principal Secretary to Government
Govt. of Tamil Nadu,
Rep by Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

2.The Secretary to Govt,
Health and Family Welfare Department,
Fort St. george, Chennai - 600 009.

3.The Member Secretary,
Medical Services Recruitment Board,
7th Floor, DMS Building,
359, Anna Salai, Chennai - 600 006.

4.The Commissioner,
Food Safety and Drug Administration Department,
No. 359, Anna Salai,
D.M.S. Campus, Chennai - 600 006.

5.The Secretary,
Ministry of Health and Family Welfare,
Room No. 156A, Nirmal Bhawan,
New Delhi - 110 011.



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6.The Secretary,
Ministry of Ayush,
Ayush Bhawan, B-Block,
GOP Complex, INA, New Delhi -110 023.

7.The Director(Regulations),
Food Safety and Standards Authority of India,
FDA Bhawan ,
Kotla Road, New Delhi - 110 002.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, calling for the records from the 3rd respondent and quash the impugned Notification No. 02/MRB/2021 dated 16.02.2023 non selection of the petitioner published in their official website on 21.02.2023 in regard to the post of Food Safety Officer as the same in per-se illegal, perverse, arbitrary, biased, untenable, smacks of malafide, ultra vires, unconstitutional and unsustainable in law and consequently direct the 3rd respondent to issue/publish Notification afresh for certificate Verification by including the Petitioners name under the Category of PSTM-BC,MBC, DNC, SC, SCA and ST candidates quota in regard to recruitment to the post of Food Safety officer and further directing the Respondents to consider the petitioners representation dated 21.02.2023 and 22.02.2023 thereby to call the petitioner for certificate verification under his application No. 136542 for the post of Food Safety Officer.



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For petitioner : Mr.S.L.Sudarsanam

Respondents

For R3 : Mr.L.Murugavelu,
Standing Counsel

For RR1,2&4 : Mr.P.Kumaresan, AAG,
Assisted by Mr.M.Bindran,AGP

For RR5,6 : Mr.R.Rajesh Vivekanathan
Deputy Solicitor General of
India

For R7 : Mr.Su.Srinivasan, CGSC

ORDER

This writ petition has been filed to quash the impugned notification dated 16.02.2023 by Medical Services Recruitment Board (hereinafter referred as “MRB”) and consequently, to direct the MRB to issue / publish a notification afresh for certificate verification by including the petitioner’s name in the cadre of “PSTM Candidates” relating to the recruitment for the post of Food Safety Officer.

2. The sum and substance of the petitioner’s grievance articulated in this writ petition are as follows:



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2.1. The petitioner has completed a medical degree of Siddha Medicine and Surgery (BSMS) in Government Siddha Medical College Hospital at Palayamkottai in tamil medium and has also completed his schooling till his medical degree in tamil language only. The MRB had called for direct recruitment for the post of Food Safety Officer *vide* their publication dated 13.10.2021, in notification No.2/MRB/2021. The petitioner had applied for the above post for which there is 20 percent reservation under the category of PSTM Quota (Persons Studied in Tamil Medium) and as amended by the State Government, under the specific PSTM Act, 2010, for those who have studied in tamil language in their primary, secondary and higher secondary schooling till their graduation, are eligible for government services. One of the qualifications prescribed in the notification for the above post was a Bachelor's Degree in Medicine from the University recognized by the University Grants Commission.



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2.2. It is the contention of the petitioner that a Bachelor's Degree in Siddha Medicine and Surgery (BSMS) is a degree equivalent to MBBS degree in Medicine and is regulated under Sections 2(h) and 35 of the National Commission for Indian System of Medicine Act, 2020, (hereinafter referred as "the NCISM Act"). It is a recognized medical qualification to practice medical profession. It is the contention of the petitioner that the Hon'ble Supreme Court in the case Civil Appeal No.4578 of 2021 had observed that the Bachelor of Siddha Medicine and Surgery degree is also one among the recognized medical qualifications under Sections 2(h) and 35 of the NCISM Act and under Sections 2(f) and 35 of NCH Act, 2020 with the course duration of 5 1/2 years. These degrees also possess full pledged PG courses and PhD courses similar to that of MBBS and are regulated by the concerned National Commissions.

2.3. However, the petitioner's candidature was not considered and in response dated 23.11.2022 to the RTI query, the Public National Officer / Administrative Officer of the Union of



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India had communicated that the Graduates in Bachelor's in Siddha Medicine and Surgery is not mentioned in the FSSAI Act and Rules for the qualification of Food Safety Officer. This clarification is not in *sync* with the clarification letter dated 12.10.2022 of the Director (Regulations), FSSAI.

2.4. Meanwhile, the MRB had released a list of cut off marks and the candidates are called for “certificate verification” including the reservation for the post of Food Safety Officer. In this list, the MRB had mentioned that PSTM candidates are not available in the BC, MBC & DNC, SC, SCA and ST categories. This act clearly emphasizes the fact that the MRB was not considering the candidature of the students who have obtained Bachelor's Degree in Siddha Medicine and Surgery for the post of Food Safety Officer.

2.5. The petitioner aggrieved by this action had made representation to the MRB, to which, there was no response. The certificate verification is also proposed to be held on 22.02.2023 and



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24.02.2023. Since the petitioner who is qualified for the said post has been denied an opportunity to participate in the selection process, the petitioner has filed the above writ petition for the relief stated *supra*.

3. Heard the learned counsel on either side and perused the materials available on record.

4. It is brought to the notice of this Court that the Co-ordinate Bench of the Madurai Bench of this Court had occasion to consider the very same issue in a batch of writ petitions. The learned Judge, after extracting the qualification for the post of Food Safety Officer and considering the provisions of the Indian Medical Council Act, 1956, and the National Medical Commission Act, 2012, and FSSAI Act and Rules, had observed that the term “medicine” as set out in Rule 2.1.3 of the Food Safety and Standards Rules, 2011, should be given a wider meaning and would include the Indian System of Medicine. After discussing the Rule 2.1.3 of the Food



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Safety and Standards Rules, 2011, the learned Judge, went on to hold that the very Rule is broad and sweepy and virtually declares any science or medical graduate would be eligible to become Food Safety Officer. Ultimately, the learned Judge, had allowed the writ petitions and had directed that the petitioners shall be considered for the post of Food Safety Officer.

5. Thereafter, the MRB had taken up this order in an appeal and the Hon'ble Division Bench of this Court, by an order dated 08.10.2025, dismissed the writ appeal and held that the learned Single Judge observations with reference to importance and relevance of Siddha Medicine and other medical degrees was spot on. Apart from the above judgment, the Government of India in the Gazette Notification dated 28.03.2025 amended the notification as follows:

In the said notification, after paragraph 2, the following paragraph shall be inserted, namely:-

“3. The other discipline recognised for the post of Food Safety Officer, shall include the following, namely:-



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*Bachelor of Medicine and Bachelor of Surgery or
Bachelor of Dental Surgery or Bachelor of Homeopathic
Medicine and Surgery or Bachelor of Unani Medicine and
Surgery or Bachelor of Siddha Medicine and Surgery or
Bachelor of Ayurvedic Medicine and Surgery or Bachelor of
Sowa Rigpa Medicine and Surgery.”*

6. Therefore, the equivalence of BSMS to the regular degree of Medicine has been notified. On the conspectus of the above and since the matter has already been considered in detail, this Court is not traversing into the factual matrix of the case.

Accordingly, the writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petitions stand closed.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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To

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D.M.S. Campus, Chennai - 600 006.

5. The secretary,
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Room No. 156A, Nirmal Bhawan,
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6. The Secretary,
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Ayush Bhawan, B-Block,
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P.T.ASHA, J.,

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