



W.P. Nos. 21100 and 22000 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. Nos. 22000 and 21100 of 2019

W.P.No.21100 of 2019:-

R.Subramaniam

... Petitioner

-VS-

The Director of Public Health
and Preventive Medicine
Office of the Director of Public
Health and Preventive Medicine
D.M.S. Compound, Teynampet
Chennai-600006.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in his proceedings in R.No.45806/Trg/S4/2011 dated 01.10.2018 received by the petitioner on 23.05.2019 and quash the same and consequently direct the respondent to send the petitioner for mandatory training for promotion to the post of Health Inspector Grade – II (re-designated as Multipurpose Health



W.P. Nos. 21100 and 22000 of 2019

Worker – Male).

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For Petitioners : Mr.N.Balamuralikrishnan

For Respondent : Mr.K.Tippusulthan, GA

W.P.No.22000 of 2019:-

1. G.Murugan
2. T.Uthrapathi
3. J.Anbalagan
4. N.Isac Raj
5. S.Kalidas
6. P.Kanagaraj

... Petitioners

-VS-

The Director of Public Health
and Preventive Medicine
Office of the Director of Public
Health and Preventive Medicine
D.M.S. Compound, Teynampet
Chennai-600006.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondent to send the petitioners for mandatory training for promotion to the post of Health Inspector Grade - II (re-designated as Multipurpose Health Worker - Male) As per G.O. (D) No. 565 dated 13.05.2008.

For Petitioners : Mr.N.Balamuralikrishnan

For Respondents : Mr.K.Tippusulthan, GA



W.P. Nos. 21100 and 22000 of 2019

COMMON ORDER

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The writ petition in W.P. No. 21100 of 2019 has been filed to call for the records pertaining to the impugned order passed by the respondent in his proceedings in R.No.45806/Trg/S4/2011 dated 01.10.2018 received by the petitioner on 23.05.2019 and quash the same and consequently direct the respondent to send the petitioner for mandatory training for promotion to the post of Health Inspector Grade – II (re-designated as Multipurpose Health Worker – Male).

2. This writ petition in W.P. No. 22000 of 2019 has been filed for directing the respondent to send the petitioners for mandatory training for promotion to the post of Health Inspector Grade - II (re-designated as Multipurpose Health Worker - Male) As per G.O. (D) No. 565 dated 13.05.2008.

3. Heard Mr.N.Balamuralikrishnan, learned counsel for the petitioners and Mr.K.Tippusulthan, learned Government Advocate for the respondent and perused the materials placed on record, apart from the pleadings of the parties.



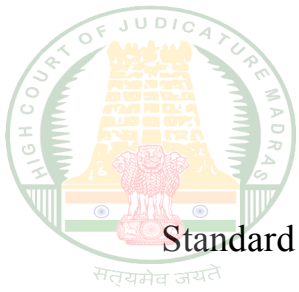
W.P. Nos. 21100 and 22000 of 2019

W.P.No.21100/2019:-

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4. The petitioner in W.P. No.21100 of 2019 was appointed as a Male Nurse Assistant on 18.01.1989 by getting sponsored through employment exchange, and on 16.08.1989, the post of Multipurpose Health Assistant was re-designated as Health Inspector Grade - II. He was declared to have completed the probation on 17.01.1990. As per the rules then in force, the Basic Health Workers, who have passed in X Standard with 10 years of regular service, were eligible to be promoted as Health Inspector Grade – II after giving 6 months condensed training to them. As per the Government Order issued in G.O.Ms. No.39 dated 01.02.2008, the vacant post of Health Inspector Grade – II can be filled from among the 300 Basic Health Workers, who have passed X Standard and also have got 10 years working experience in the Primary Health Centre after giving six (6) months condensed training to them. The petitioner claims that he did not pass X Standard till March 2010. Thereafter, he passed X Standard, but he was not sent for training in order to consider him for the post of Health Inspector Grade – II.

5. The learned Government Advocate for the respondent submitted that the petitioner did not possess the necessary educational qualification of pass in X



W.P. Nos. 21100 and 22000 of 2019

Standard at the time when the G.O. Ms. No. 39 dated 01.02.2008 was issued.

WEB CON Subsequently, by issuance of an another Government Order in G.O.(Ms) No.232, Health and Family Welfare Department, dated 17.10.2013, the educational qualification for appointment to the post of Health Inspector Grade – II has been revised and suggested that the candidate should possess XII Standard Certificate with Biology or Botany or Zoology as subjects and have 10 years experience in the basic service and should undergo training of one year.

6. The learned counsel for the petitioner claims that even though the petitioner did not have the required qualification as on 01.02.2008, he acquired qualification of X Standard pass between the period from 01.02.2008 to 17.10.2013 on which date the new rules come into force.

7. On perusal of the Government Order in G.O.Ms. No. 39 dated 01.02.2008, it is seen that the Government has taken into account of the 300 Basic Health Workers who have passed in X Standard with ten years of experience and they can be promoted as Health Inspector Grade – II. Hence, no concession has been given in the above Government Order that any one who



W.P. Nos. 21100 and 22000 of 2019

have acquired the qualification of X Standard after 01.02.2008 will also be

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qualified to be absorbed as Health Inspector Grade – II. It appears that the

Government Order in G.O. Ms. No. 39 dated 01.02.2008 has been given only in

respect of 300 candidates, who are already available and who have got

necessary qualification of X Standard with ten years of service. Admittedly, this

petitioner did not have the educational qualification of pass in X Standard at

that point of time and hence, he did not come within the 300 candidates, who

have already identified as possessing X Standard of pass along with ten years

experience. The request made by the petitioner to consider him for posting as

Health Inspector Grade – II and sending for training has been negated by the

impugned order in 45806/Trg/S4/2011 dated 01.10.2018 citing the Government

Order in G.O.(Ms) No. 232, Health and Family Welfare Department, dated

17.10.2013 prescribing the educational qualifications for the post of Multi

Purpose Health Worker (Male) as 'Must have passed XII Standard with Biology

or Botany and Zoology' as subjects. As the petitioner did not have the minimum

qualification at the time when the G.O. Ms.No.39 dated 01.02.2008 was issued,

he could not get the benefit to be posted as Health Inspector Grade - II as

ordered in the said Government Order.



W.P. Nos. 21100 and 22000 of 2019

8. Now it is learnt that on 24.02.2015, the petitioner has also been

WEB GOM nominated for undergoing training as he was found to be eligible to undergo six months training. In the letter of the respondents dated 23.04.2013 addressed to all the Deputy Director (Health Services) requesting them to send the details of the Basic Health Workers in their Health Unit Districts, who are eligible and willing to undergo six months condensed Multipurpose Health Worker (Male) course training, reference has been made in the G.O.Ms. No.39 dated 01.02.2008. So this would show that even after placing 300 Basic Health Workers available as on the date when the Government Order was issued on 01.02.2008 by promoting them as Health Inspector Grade – II, vacancies were still available.

9. The petitioner is one among the persons, who have been nominated to go for training as he was found eligible as per G.O. Ms. No.39 dated 01.02.2008 and to that effect, the Deputy Director of Public Health and Preventive Medicine has sent a list of eligible Basic Health Workers who are willing to undergo one year training for Multipurpose Health Worker (Male) to the Director. Even thereafter, training was not given to the petitioner. The representations given by the petitioner and similar others have been rejected by



W.P. Nos. 21100 and 22000 of 2019

the Government stating that as per the revised G.O.(Ms) No. 232, Health and Family Welfare Department, dated 17.10.2013, the minimum educational qualification is XII Standard pass with Biology and Botany and Zoology as subjects. The said Government Order amending the educational requirements have come into force on 17.10.2013. Even prior to that, in pursuant to the Government Order dated 01.02.2008, the petitioner was eligible to undergo training to be appointed in the post of Health Inspector Grade – II. Without considering the same, the first respondent has passed the rejection order on 01.10.2018.

10. Just because the petitioner's name has been nominated, the petitioner cannot claim that he has a right to be given with training and the education requirements for appointment to the post of Health Inspector Grade – II should not be revised. As the petitioner was very much in service between the period from 2013 to 2018, when the new orders were issued in G.O.(Ms) No. 232, Health and Family Welfare Department, dated 17.10.2013, the respondents could have considered the case of the petitioner sympathetically. Because the persons, who have the similar qualification prior to 17.10.2013 have been accommodated to undergo six months training and they have also been



W.P. Nos. 21100 and 22000 of 2019

appointed as Health Worker Grade – II.

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10. The learned counsel for the petitioner further submitted that the petitioner requests the Government to pass any order as a one time measure for absorbing those persons, who have qualification in terms of G.O.Ms. No. 39 dated 01.02.2008 and were available in service and also expressed their willingness to undergo six months training before the issuance of the G.O.(Ms) No. 232, Health and Family Welfare Department, dated 17.10.2013 and pass orders.

11. In view of the same, I feel the respondents can reconsider the request of the petitioners sympathetically and pass appropriate orders on merits within a prescribed time limit.

W.P.No.22000/2019:-

12. In W.P. No. 22000 of 2019, the third and sixth petitioners, viz., J.Anbalagan and P.Kanagaraj, had retired from service. It is learnt that the rest of the petitioners have also given a representation to the respondents to consider them for extending the benefit of G.O.(Ms) No. 232, Health and



W.P. Nos. 21100 and 22000 of 2019

Family Welfare Department, dated 17.10.2013.

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13. Since the petitioners 3 and 6 have already retired from service, the petitions have become infructuous as against them. With regard to the rest of the petitioners in W.P. No.22000 of 2019 directions can be given.

14. In the result, this writ petition in **W.P. No. 22000 of 2019 and W.P. No. 21100 of 2019 are disposed** by directing the first respondent to consider the representation of the petitioners in W.P. No. 22000 of 2019 and the rest of the petitioners (except third and sixth petitioners in W.P. No.21100 of 2019 in the light of the G.O.(Ms) No. 232, Health and Family Welfare Department, dated 17.10.2013 and pass appropriate orders on merits within a period of 6 weeks from the date of receipt of the copy of this order. The writ petition in **W.P. No. 21100 of 2019 is dismissed as infructuous** as against the third and sixth petitioners. No costs.

24.04.2025

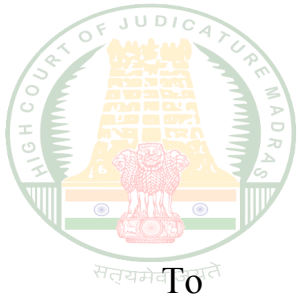
Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

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W.P. Nos. 21100 and 22000 of 2019

To
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The Director of Public Health
and Preventive Medicine
Office of the Director of Public
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D.M.S. Compound, Teynampet
Chennai-600006.



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W.P. Nos. 21100 and 22000 of 2019

R.N.MANJULA, J.

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W.P. Nos. 22000 and 21100 of 2019

Dated : 24.04.2025