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W.A.Nos.2641 of 2022, 164 of 2023 & 728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	04.12.2025
<i>Pronounced on</i>	18.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.Nos.2641 of 2022, 164 of 2023 & 728 of 2023
and
C.M.P.Nos.21195, 21197 of 2022, 1559 of 2023 & 22051 of 2025

W.A.No.2641 of 2022

- 1.K.Natrayan
- 2.M.Balaji
- 3.S.Balaji
- 4.R.Raja
- 5.K.Pratheesh Kumar
- 6.R.Sentrayan
- 7.S.Karthick Raja
- 8.N.Seetha
- 9.J.Gopinath
- 10.V.Sabariswaran
- 11.K.Rajeshwari
- 12.K.Eswaran
- 13.R.Sharmila
- 14.S.Praveen
- 15.B.Suresh
- 16.S.Prithiviraj
- 17.G.R.Vijayalakshmi
- 18.M.Vijayakumar
- 19.P.Vel Murugan
- 20.R.Manikandan

...Appellants



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VS.

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- 1.G.Rajalingam
- 2.P.Vadivel
- 3.S.Vinoth
- 4.C.Suresh
- 5.R.Aruchamy
- 6.A.David Xavier
- 7.Y.Manjithkumar
- 8.R.Arunkumar
- 9.K.Arun Magesh
- 10.T.Rajesh Kannan
- 11.K.Parthasarathi
- 12.A.Nithya
- 13.R.Karthick
- 14.B.Eswaran
- 15.P.Thilagaraj
- 16.R.Selvakumar
- 17.D.Pragatheswaran
- 18.K.Gayathri
- 19.M.Janani
- 20.P.Alaguraja
- 21.M.Parasuraman
- 22.K.Prakash
- 23.B.Ramani
- 24.R.Rajkumar
- 25.G.Gomathi
- 26.R.Mani
- 27.S.Monica Salomi
- 28.M.Premkumar
- 29.A.Jeganathan
- 30.R.Rajapandiyan
- 31.J.Sharmila
- 32.M.Manigandan
- 33.P.Aravindhan
- 34.Dhamotharan
- 35.S.Sanjay
- 36.M.Sivaranjani
- 37.S.Anupriya



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38.P.Chandrasekaran

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39.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005,
Now at No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

40.The Principal Secretary,
Municipal Administration and Water Supply Dept.
Fort St.George,
Chennai – 600 009.

41.The Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai – 600 009.

42.The Director,
Directorate of Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai – 600 006.

43.The Director of Town Panchayats,
Kuralagam, Chennai – 600 108.

44.Madurai Kamaraj University,
Rep. by the Registrar,
Palkalai Nagar, Madurai – 625 021.

45.WASH Institute,
Rep. by the Treasurer,
Katiranampatti Pirivu,
Reddiar Chatram, Dindigul.

46.A.Beubamargreat

47.M.Vimala

48.S.Saranya



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49.T.Mariyalkiragory

50.T.Dhivya

51.P.Vinothini

52.N.Meenachi Sundar

53.S.Nandhini

54.M.Thenmozhi

55.C.Suresh

56.M.Priyanka

57.K.Priyadharshini

58.M.Thiruppathi

59.K.Shoba

60.S.Sridevi

61.R.Poonj Selvi

62.M.Poomalai

[R46 to R62 impleaded as party respondents vide court order dated 06.04.2023 made in CMP.7937/2023 in WA.2641/2023 (RMDJ-MSQJ)]

63.Paulguna Vijayasundari

64.J.Divya

[R63 & R64 impleaded as party respondents vide court order dated 26.03.2024 made in CMP.4019/2024 in WA.2641/2023 (RMDJ-MSQJ)]

65.A.Parthipan

66.Muthukumar

67.G.Veerapathiran

68.Nagarajan

69.Jeyakumar

70.Thiruppathy

71.Rajkumar.R

72.Ramachandran

73.Arunkumar S

74.Kandasamy

75.Pandian

76.Prasanth Kumar M

77.Saranya Arumugam

78.Venkatesan Andi

79.Murugeshwari

80.Nagadevi Malar Chinnathambi

81.Janani.M

82.Saranraj

83.Balamanikandan.S



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84.Geerthi Priya Ramachandran

85.Edraj.J

86.Namastheji Himamji Lal

87.Ram Kumar K

88.A.Yuvaraja

89.S.Kalaichelvan

90.C.Gayathri

91.S.Nallakumar

92.K.Divya

93.K.Sadam Hussain

94.V.Inbakumar

[R65 to R94 are impleaded as party respondents vide Court order dated 02.12.2025 made in CMP.Nos.25088, 25635 of 2024 and 9399, 14332, 15355 of 2025 in WA.No.2641/2022 (MSRJ & RSVJ)] ...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 10.08.2022 made in W.P.No.1162 of 2018.

For Appellants : Mr.S.N.Ravichandran
for Mr.T.Ranganathan

For Respondents : Mr.G.Sankaran, Sr. Counsel
for Mr.S.Nedunchezhiyan for R2 & R3

Ms.D.Nagasaila
for R4 to R17, R46 to R64, R88 & R89

Mr.M.Suresh Kumar, AAG
assisted by Dr.T.Seenivasan, SGP
for R39 to R41

Mr.G.Ameedius, GA
for R42 & R43

Ms.H.Mary Sowmy Rexi
for M/s.Isaac Chambers
for R44



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Ms.D.Geetha
for R45

Mr.N.Ponraj
for R65 to R69

Mr.M.Sathyakumar
for R70 to R87

Mr.R.Prem Narayan
for R90 to R94

W.A.No.164 of 2023

1.V.Sabarishwaran
2.S.Poovannan

...Appellants

vs.

1.M.Manigandan
2.R.Aruchamy
3.K.Prakash
4.S.Sanjay

5.The Commissioner/Director of Municipal Administration,
MRC Nagar, Chennai – 600 028.

6.The Principal Secretary,
Municipal Administration and Water Supply Dept.
Fort St. George, Chennai – 600 009.

7.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

8.The Director,
Directorate of Public Health and Preventive Medicine,



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DMS Complex, 359, Teynampet,
Chennai – 600 006.

9.The Director of Town Panchayats,
Kuralagam, Chennai – 600 108.

10.Expert Committee,
Convened by its Chairman,
Commissioner of Municipal Administration,
MRC Nagar, Chennai – 600 005.

11.Ghandhigram Rural Institute,
Deemed-to-be-University,
Rep. by its Registrar,
Dindigul – 624 302.

12.Madurai Kamaraj University,
Rep. by the Registrar,
Palkalai Nagar, Madurai – 625 021.

13.WASH Institute,
Rep. by the Treasurer,
Katiranampatti Pirivu,
Reddiar Chatram, Dindigul.

- 14.P.Vadivel
- 15.S.Vinoth
- 16.S.Sridevi
- 17.A.Beubamargreat
- 18.M.Vimala
- 19.T.Mariyalkiragory
- 20.T.Dhivya
- 21.P.Vinothini
- 22.S.Saranya
- 23.S.Monica Salomi
- 24.David Xavier
- 25.M.Parasuraman
- 26.S.Anupriya
- 27.P.Thilagaraj



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- 28.R.Karthick
- 29.R.Rajkumar
- 30.K.Shoba
- 31.V.Dhamotharan
- 32.Meenachi Sundar
- 33.M.Sivaranjani
- 34.P.Aravindahan
- 35.P.Chandrasekaran
- 36.K.Arun Magesh
- 37.S.Nandhini
- 38.M.Thenmozhi
- 39.K.Parthasarathi
- 40.C.Suresh
- 41.M.Priyanka
- 42.K.Priyadharshini
- 43.J.Sharmila
- 44.R.Rajapandian
- 45.M.Thiruppathi
- 46.T.Rajesh Kannan
- 47.A.Jeganathan
- 48.M.Premkumar
- 49.R.Poonj Selvi
- 50.A.Nithya
- 51.M.Poomalai
- 52.P.Alaguraja
- 53.C.Suresh
- 54.B.Eswaran
- 55.D.Pragatheswaran
- 56.R.Mani
- 57.R.Selvakumar
- 58.G.Gomathi
- 59.R.Arunkumar

[R14 to R59 impleaded as party respondents vide court order dated 06.04.2023 made in CMPs.7937, 7957 and 7954/2023 in WA.164/2023 (RMDJ-MSQJ)]

- 60.Paulguna Vijay Sundari
- 61.Divya.J

[R60 & R61 are impleaded, vide order of Court dated 26.03.2024 made



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in CMP.No.4019/2024 in WA.No.2641/2022 & CMP.No.3552/2024 in
WA.No.164/2023 (RMDJ-MSQJ)]

- 62.R.Araventhana
- 63.P.Ramesh
- 64.I.Lawrence Xavier
- 65.P.Muthukumaran
- 66.T.Yuvaraj
- 67.V.Bharath
- 68.V.Savari Raj
- 69.T.Diliban
- 70.M.Kalithas
- 71.R.Prasanthkumar
- 72.L.Joseph Christopher
- 73.G.Poornadivya
- 74.D.Vetrivel
- 75.M.Anbazhagan
- 76.V.Balamurugan
- 77.B.Sanjeevi
- 78.V.Karthikeyan
- 79.M.Manojkumar
- 80.R.Ponnaiyan
- 81.P.Surender
- 82.M.Prabhakaran
- 83.M.Pragatheeswaran
- 84.S.Karuppaiah
- 85.M.Nagarathinam
- 86.S.Sirpi
- 87.K.Rajarajeswari
- 88.M.Ramakrishnakumar
- 89.K.Chandrabalu
- 90.A.Chandrasekar
- 91.R.Dhinesh Babu
- 92.K.Karupputhurai
- 93.V.Muniyandi
- 94.M.Dharani
- 95.K.Nandakumar
- 96.A.Ishwarya
- 97.G.Uma Maheswari



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98.M.Silambuselvi

99.Yuvaraja.A

100.S.Kalaichelvan

[R62 to R100 are impleaded as party respondents vide court order dated 02.12.2025 made in CMP.24006/2024 and 14338/2025 in WA.164/2023 (MSRJ-RSVJ)]
...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 10.08.2022 made in W.P.No.31635 of 2019 passed by this Court and allow the Writ Appeal.

For Appellants : Ms.Nalini Chidambaram,
Senior Counsel
for Ms.C.Uma

For Respondents : Mr.M.Suresh Kumar, AAG
assisted by Dr.T.Seenivasan, SGP
assisted by Mr.P.Ananda Kumar, GA
for R5 to R7

Mr.G.Ameedius, GA
for R8 & R9

Mr.ARL.Sundaresan, ASG
assisted by Mr.Ma.P.Thangavel
for R11

Ms.H.Mary Sowmy Rexi
for M/s.Isaac Chambers
for R12

Ms.D.Geetha
for R13

Ms.D.Nagasaila
for R3, R14 to R59, R99 & R100



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Mr.R.Venkata Varathan
for R62 to R98

W.A.No.728 of 2023

M.P.Gopinath

...Appellants

vs.

1.The Principal Secretary,
Municipal Administration and Water Supply Dept.
Fort St. George, Chennai – 600 009.

2.The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

3.The Commissioner,
Municipal Administration,
Chepauk, Chennai – 600 005.

4.The Director,
Directorate of Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai – 600 106.

5.Madurai Kamaraj University,
Rep. by the Registrar,
Palkalai Nagar, Madurai – 625 021.

6.WASH Institute,
Rep. by the Treasurer,
Katiranampatti Pirivu,
Reddiar Chatram, Dindigul.

7.David Xavier
8.P.Vadivel



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- 9.S.Vinoth
- 10.A.Beubamargreat
- 11.M.Vimala
- 12.T.Mariyalkiragory
- 13.T.Dhivya
- 14.P.Vinothini
- 15.S.Saranya
- 16.S.Monica Salomi
- 17.M.Parasuraman
- 18.S.Anupriya
- 19.P.Thilagaraj
- 20.K.Prakash
- 21.R.Karthick
- 22.R.Rajkumar
- 23.S.Sanjay
- 24.V.Dhamotharan
- 25.Meenachi Sundar
- 26.M.Sivaranjani
- 27.P.Aravindahan
- 28.P.Chandrasekaran
- 29.K.Arun Magesh
- 30.S.Nandhini
- 31.M.Thenmozhi
- 32.K.Parthasarathi
- 33.C.Suresh
- 34.M.Priyanka
- 35.K.Priyadharshini
- 36.J.Sharmila
- 37.R.Rajapandian
- 38.M.Thiruppathi
- 39.T.Rajesh Kannan
- 40.A.Jeganathan
- 41.M.Premkumar
- 42.K.Shoba
- 43.S.Sridevi
- 44.R.Poonj Selvi
- 45.M.Manigandan
- 46.A.Nithya
- 47.M.Poomalai



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48.P.Alaguraja
49.R.Aruchamy
50.Suresh
51.B.Eswaran
52.D.Pragatheswaran
53.R.Mani
54.R.Selvakumar
55.G.Gomathi
56.R.Arunkumar

[R7 to R56 impleaded as party respondents vide court order dated 06.04.2023 made in CMPs.7937, 7957 and 7954/2023 in WA.728/2023 (RMDJ-MSQJ)]

57.S.Selvi
58.R.Kishorekumar
59.K.Thirumalai
60.E.Ezhilarasu
61.O.Navaneethakrishnan
62.S.Kalaiselvi

[R57 to R62 are impleaded as party respondents vide court order dated 02.12.2025 made in CMP.14097/2025 in WA.728/2023 (MSRJ-RSVJ)]

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order dated 10.08.2022 made in W.P.(MD) No.12923 of 2018.

For Appellants : Mr.Ma.P.Thangavel

For Respondents : Mr.M.Suresh Kumar, AAG
assisted by Dr.T.Seenivasan, SGP
assisted by Mr.P.Ananda Kumar, GA
for R1 to R3

Mr.G.Ameedius, GA for R4

Ms.H.Mary Sowmy Rexi
for M/s.Isaac Chambers
for R5



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Ms.D.Geetha
for R6

Ms.D.Nagasaila
for R7 to R56

Mr.M.Vignesh
for R57 to R62

COMMON JUDGMENT

M.S.RAMESH, J.

All these three Writ Appeals have been preferred by candidates, who had participated in the selection process for the post of Sanitary Inspectors (SI) and who also possessed a SI Certificate awarded by the Gandhigram Rural Institute (GRI), wherein applications to fill up 110 vacancies were called for, under a notification dated 30.12.2017 of the Commissioner of Municipal Administration (CMA).

2.1.The brief facts of the cases before the Writ Court, the impugned common order of which is under challenge before us, are as follows:-

2.2.The Tamil Nadu Municipal Public Health Service Regulations, 1970 (the Regulations), prescribes the qualification for the post of SI. As per the Rules, a candidate applying for the post of SI, must possess a SI



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certificate granted by the Additional Director of Health Services and Family Planning, Chennai, as the Chairman, Board of Examiners, constituted by Government in this behalf; or must possess a Health Inspector's Certificate awarded by the Principal, Medical College, Trivandrum or must possess a Sanitary Inspector's Certificate awarded by the Director of Public Health, Bombay; or SI Certificate awarded by the GRI and must possess physical fitness for camp life and satisfy the physical standard prescribed for Health Inspectors.

2.3.Through a notification dated 30.12.2017, the Commissionerate of Municipal Administration had invited applications for filling up 110 vacancies for the post of SI, in various municipalities governed under the Regulations. The qualifications prescribed under this notification also mandated the applicants to possess a SI certificate awarded by GRI, among others.

2.4.Among the 874 candidates, who had applied under this 2017 notification, 449 candidates were shortlisted, out of which 333 candidates possessed the SI certificate awarded by GRI.

2.5.Since the notification did not prescribe a SI certificate from Water, Sanitation and Hygiene (WASH) Institute, affiliated to Madurai Kamarajar University (KMU), as one of the essential qualification, but



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restricted it only to GRI, a Writ Petition was filed by WASH Institute candidates in W.P.No.1162 of 2018, seeking to quash the qualification of SI certificate, which excludes certificates issued by MKU. On 31.07.2018, the Writ Court had granted an interim order, directing the authorities to proceed with the recruitment, but not to release the final list of successful candidates, subject to the outcome of the Writ Petition.

2.6.Simultaneously, similar candidates, who possessed certificates from WASH Institute, had also filed another Writ Petition in W.P.No.2767 of 2018 and through interim directions therein, the Secretary to Government, Municipal Administration and Water Supply Department (MAWS Department), had constituted a Committee to go into the veracity of the claims made by the WASH Institute candidates.

2.7.On 04.09.2018, the Committee concluded that the SI certificate of WASH Institute is not recognised by the Government. The report came to be challenged by the candidates who possessed the WASH Institute certificate, as well as the candidates who possessed PG Diploma in Environmental Sanitation Science issued by the MKU, in W.P.Nos.31501, 31642 and 31635 of 2019. In the meantime, the candidates, who possessed SI certificates from GRI, had also filed a Writ Petition in W.P. (MD) No.12923 of 2018, seeking for a direction to the Directorate of



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Public Health not to consider the certificates issued by WASH Institute, for filling up the post of SI in local bodies, under the 2017 notification.

2.8.The Writ Court had finally heard W.P.(MD) No.12923 of 2018, as well as all other connected Writ Petitions and had reserved orders. However, before pronouncement of final orders, the Government had issued G.O.Ms.No.45, Higher Education (K1) Department, dated 19.04.2022, declaring that the PG Diploma in Environmental Sanitation Science, offered by WASH Institute affiliated to MKU, as equivalent to the SI certificate of the Government of Tamil Nadu prescribed under G.O.Ms.No.2051, Health and Family Welfare Department, dated 27.06.1942.

2.9.As against the final orders dated 10.08.2022 passed in W.P.No.1162 of 2018, W.P.(MD) No.12923 of 2018 and W.P.No.31635 of 2019, the candidates with GRI certificates have preferred the present appeals in W.A.Nos.2641 of 2022, 728 of 2023 and 164 of 2023.

2.10.Pending these Writ Appeals, the MAWS Department issued another notification dated 02.02.2024/09.02.2024, inviting applications for filling up 553 vacancies of SI in Greater Chennai Corporation, other Corporations and Municipalities. The notification also had a rider that the 110 vacancies, which were notified under the 2017 notification, may also



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be added, subject to the outcome of W.A.No.728 of 2023 in W.P.(MD) No.12923 of 2018.

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2.11.Under this 2024 notification, the candidates, who possessed the certificates from GRI and who had applied under 2017 notification, were also permitted to apply under the 2024 notification. During the selection process, 653 candidates were shortlisted out of 2364 applicants, pursuant to a written test and interview.

2.12.Out of these, 5 candidates did not attend the counselling and the balance 436 candidates were issued with appointment orders dated 06.08.2025 for the post of SI, out of the 443 posts (the remaining 7 posts in which 4 Backward Class and 3 differently abled posts were not filled, due to non-availability of candidates). The balance 212 meritorious candidates have now been kept in waiting list and they now seek for appointment under the 110 vacancies, which were kept as reserve in the 2024 notification.

3.Mrs.Nalini Chidambaram, learned Senior Counsel appearing for the appellants in W.A.No.164 of 2023, submitted that the candidates from WASH Institute have no right to claim appointment, since their PG Diploma awarded by WASH Institute has not been incorporated in the



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Regulations. By referring to a letter of the CMA dated 12.09.2019, it was submitted that the WASH Institute candidates cannot be considered for the post of SI, as they are not qualified under Rule 6 of the Regulations and that the Rules cannot be relaxed retrospectively to fit in the WASH Institute candidates. By referring to the statements made in the counter affidavit filed by CMA, she brought to our notice that the selection process for the 2017 notification, has been completed and the list of 110 selected candidates has been prepared for filling up the vacant posts. According to her, the candidates, who had participated in the 2017 notification, were duly qualified, as per the Regulations, as well as the eligibility conditions in the notification and therefore, they were under a legitimate expectation of being appointed. She would further submit that the candidates eligible at the time of notification are entitled to be considered and neither the amended Regulations can be applied retrospectively, nor could the Rules of the games be altered midway.

4.Supporting the submissions of the learned Senior Counsel Mrs.Nalini Chidambaram, Mr.S.N.Ravichandran, learned counsel for the appellants in W.A.No.2641 of 2022, submitted that as on the date of 2000 notification, the PG Diploma offered by WASH Institute was not declared



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to be equivalent to the certificate of the Government of Tamil Nadu and that the equivalence was declared only after the entire selection process was over. Since the amendment will only have a prospective effect, the WASH Institute candidates cannot seek for appointments under the 2017 notification.

5.Mr.G.Sankaran, learned Senior Counsel appearing for the WASH Institute candidates, as well as Ms.D.Nagasaila, Ms.D.Geetha and all the counsels appearing for the respondents, would submit that the PG Diploma in SI course from GRI is not a certificate course and thus is not recognisable under the Regulations. While the PG Diploma in WASH Institute is declared as equivalent under G.O.Ms.No.45, dated 19.04.2022, no such equivalence of GRI PG Diploma to a SI certificate course of the Government of Tamil Nadu, was available. It was further submitted that in W.P.No.33970 of 2019, filed by WASH Institute candidates, the prayer for Writ of Declaration to declare the PG Diploma offered by GRI, is different from the SI certificate course in the Regulations and that the course is not recognised by the State of Tamil Nadu, was allowed, as against which no appeal has been filed. Thus, the GRI course, since is no longer a valid course for consideration, the GRI



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candidates cannot have a claim in the 110 vacancies bought forward into the 2024 notification.

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6.We have given our anxious consideration to the submissions made by the respective counsels.

7.Through G.O.Ms.No.2087, Health, Education and Public Health Department, dated 04.09.1961, the amendment to Regulation 4(1) of the Public Health Establishments (Local Authorities) Regulations, 1940, was brought in by providing that the SI certificate awarded by GRI, among others, as a mandatory qualification for appointment to the post of SI. This requirement is an addition to the basic qualification of B.Sc., Chemistry. On the strength of this prescribed qualification, the Government had been appointing several candidates, who possessed the SI certificate of GRI to the post of SI.

8.In the recruitment notification dated 30.12.2017, applications were invited for the post of SI to fill up 110 vacancies in various municipalities governed under the Regulations. The notification also prescribes the basic qualification of B.Sc., Chemistry, along with the SI



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certificate granted by GRI or three other Government departments, in consonance with the qualifications prescribed for SI post under the Regulations.

9.Mr.M.Suresh Kumar, learned Additional Advocate General, would state that, under the 2017 notification, 874 candidates had applied, out of which 333 candidates possessing the SI certificate from GRI, were shortlisted. It is at this juncture that the candidates, who possessed SI certificates from WASH Institute, had filed Writ Petitions to consider their candidatures also under the 2017 notification. In the order passed on 27.04.2019, the Writ Court had granted an interim direction, permitting the selection process and other proceedings to go on, but not to issue any appointment orders. In paragraph 27 of the counter affidavit filed by the CMA in W.P.Nos.31501, 31642 and 31635 of 2019, dated 25.04.2020, it was stated that the selection process for the 2017 notification has been completed and the list of 110 selected candidates have also been kept ready to fill up the vacant posts of SI in the municipalities.

10.The learned Judge, while passing final orders in the batch of Writ Petitions filed by the candidates, who possessed SI certificates from



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GRI, WASH, All India Training Institute of Local Self Government (AITI) and MKU, had dismissed the Writ Petitions preferred by candidates possessing SI certificates from GRI [W.P.(MD) No.12923 of 2019] and AITI [W.P.Nos.27043, 31999 and 27048 of 2019].

11.Likewise, while allowing the Writ Petitions filed by the candidates possessing SI certificates from WASH Institute and MKU [W.P.Nos.28062, 26553, 28067 and 26482 of 2018; W.P.Nos.16104, 33624 and 33970 of 2019; W.P.Nos.31501, 6712, 6704, 31642 and 31635 of 2019; and W.P.Nos.2467 and 1162 of 2018], the learned Single Judge had directed the Government to relax the upper age limit of these candidates and consider their candidatures, along with the candidates from GRI for appointment to the posts of SI in various municipalities. The reason assigned in the writ order is that the Higher Education Department, through G.O.Ms.No.45, dated 19.04.2022, recognised the PG Diploma in Environmental Sanitation Science offered by WASH Institute affiliated to MKU, as equivalent to the SI certificate of the Government of Tamil Nadu prescribed under G.O.Ms.No.2051, dated 27.06.1942.



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12. During the pendency of the aforementioned batch of Writ Petitions, the MAWS Department had published a recruitment notification in the year 2024, for 443 vacancies to the posts of SI in the Greater Chennai Corporation, Municipalities and Town Panchayats. The educational qualification prescribed for this post was a B.Sc., degree in Zoology allied with Chemistry or Biochemistry or Chemistry allied with Zoology or B.Sc., degree in Public Health or Environmental Science or Microbiology or Biochemistry AND must have completed Sanitary Inspector course from an Institution approved by the Government of Tamil Nadu.

13. It would be relevant to note here that while the 2017 notification prescribe the essential educational qualification as B.Sc., Chemistry with the SI certificate awarded by GRI or three others, it did not recognise the SI course from any other Institutions approved by the Government of Tamil Nadu. Apart from 443 notified vacancies for SI in the 2024 notification, it was informed therein that the 110 vacancies of SI course notified under the 2017 notification, may also be included in the 2024 selection process, subject to the outcome of W.A.No.728 of 2023 in W.P. (MD) No.12923 of 2018 filed by the GRI candidates. In the 2024



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notification, all the candidates, who possessed certificates approved by the Government of Tamil Nadu, including the certificates issued by GRI and WASH Institute, had also participated. Among the 653 shortlisted candidates in the 2024 notification, 436 out of 443 candidates were appointed to the post of SI.

14.The learned Additional Advocate General would submit that the balance seven posts could not be filled up due to non-availability of candidates under the reserved quota. The remaining 212 candidates, who were shortlisted under the 2024 notification, now seek for appointment in the 110 vacancies of the 2017 notification. Admittedly, the remaining shortlisted candidates under the 2024 notification, neither participated in the 2017 notification, nor possessed the SI certificate from GRI, as on the date of notification, i.e. 30.12.2017.

15.The main contention of all the Advocates representing the WASH candidates is that the SI certificate course conducted by GRI was only till 30.06.1996 and thereafter, it was renamed as Diploma in SI course from the academic year 1996-1997 and conducted only till 1998-1999. While the PG Diploma in Environmental Sanitation Science from



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WASH Institute was declared as equivalent to the SI certificate of the Government, as per G.O.Ms.No.45, dated 19.04.2022, the SI certificate of GRI did not have such an approval of the Government. In other words, the contention of these WASH candidates is that the remaining shortlisted candidates under the 2024 notification, should have preference over the GRI candidates.

16.The second bone of contention of these WASH candidates is that their Writ Petition in W.P.No.33970 of 2019, seeking for declaration to declare that the PG Diploma in SI Course offered by GRI, is different from the SI certificate mentioned in the 1970 Regulation and that the PG Diploma in SI course of GRI is not recognised by the State of Tamil Nadu, was allowed and the same has not been challenged by the GRI candidates. It is in view of this declaration by the Writ Court, the WASH candidates seek preference over GRI candidates. We shall deal with this submission after addressing the first objection raised by the WASH candidates referred above.

17.The main issue now before us is, as to whether the WASH candidates, who did not meet the requirements of the essential



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qualifications prescribed in the possession of a SI certificate from GRI, under the 2017 notification, can claim consideration under the 110 vacancies, which was notified in the recruitment notification dated 30.12.2017?

18.It has been constantly held by the Hon'ble Supreme Court that in all cases of selection process in public employment, the eligibility criteria prescribed under a particular notification calling for applications, will be the guiding factor for final selection and appointment and such criteria cannot be altered or modified once the selection process commences. The moment the department or authority notifies the vacancies and calls in for application, the process of selection would kickstart and will be guided by the essential qualifications and other criteria notified therein, till the final selection list completes and appointment orders are issued.

19.In the case of '***Maharashtra State Road Transport Corporation & others Vs. Rajendra Bhimrao Mandve & others***' reported in (2001) 10 SCC 51, the Supreme Court had held that, *the rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities*



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concerned in the middle or after the process of selection has commenced.

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20.A similar view has also been taken in the case of ***'K.Manjusree Vs. State of Andhra Pradesh & another'*** reported in ***(2008) 3 SCC 512***, wherein, the Hon'ble Supreme Court had placed reliance on three of its own judgments and held that changing the rules during meet game, is impermissible. The relevant portion of the judgment reads as follows:-

.... “27. *But what could not have been done was the second change, by introduction of the criterion of minimum marks for the interview. The minimum marks for interview had never been adopted by the Andhra Pradesh High Court earlier for selection of District & Sessions Judges, (Grade II). In regard to the present selection, the Administrative Committee merely adopted the previous procedure in vogue. The previous procedure as stated above was to apply minimum marks only for written examination and not for the oral examination. We have referred to the proper interpretation of the earlier Resolutions dated 24-7-2001 and 21-2-2002 and held that what was adopted on 30-11-2004 was only minimum marks for written examination and not for the interviews. Therefore, introduction of the requirement of minimum marks for interview, after*



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the entire selection process (consisting of written examination and interview) was completed, would amount to changing the rules of the game after the game was played which is clearly impermissible. We are fortified in this view by several decisions of this Court. It is sufficient to refer to three of them — P.K. Ramachandra Iyer v. Union of India, Umesh Chandra Shukla v. Union of India and Durgacharan Misra v. State of Orissa.....”

21.In the case of **‘Rakesh Kumar Sharma Vs. State (NCT of Delhi) & others’** reported in **(2013) 11 SCC 58**, the appellant therein did not possess the requisite qualification on the last day of submission of the application, though he applied representing that he possessed the same. On verification, it was found that the essential educational qualification was obtained by him only after he had applied to the post. In this background, the Hon’ble Supreme Court had held:

“the legal proposition that emerges from the settled position of law as enumerated above is that the result of the examination does not relate back to the date of examination. A person would possess qualification only on the date of declaration of the result.”



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22. By holding thus, the Hon'ble Supreme Court declared the appointment itself to be illegal, since the appellant therein was not qualified as on the crucial date of his application. The Supreme Court also took into account the plight of similar candidates who may not have applied for want of qualification under the original selection criteria and held that grant of the benefit of a qualification obtained subsequent to the application would violate the *Doctrine of Equality*. The relevant portion of the judgment reads as follows:-

“22. It also needs to be noted that like the present appellant there could be large number of candidates who were not eligible as per the requirement of rules/advertisement since they did not possess the required eligibility on the last date of submission of the application forms. Granting any benefit to the appellant would be violative of the doctrine of equality, a backbone of the fundamental rights under our Constitution. A large number of such candidates may not have applied considering themselves to be ineligible adhering to the statutory rules and the terms of the advertisement.

23. There is no obligation on the court to protect an illegal appointment. The extraordinary



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power of the court should be used only in an appropriate case to advance the cause of justice and not to defeat the rights of others or create arbitrariness. Usurpation of a post by an ineligible candidate in any circumstance is impermissible. The process of verification and notice of termination in the instant case followed within a very short proximity of the appointment and was not delayed at all so as to even remotely give rise to an expectancy of continuance.”

23.In a recent judgment in **‘Tej Prakash Pathak & others Vs. Rajasthan High Court & others’** reported in **(2025) 2 SCC 1**, the Constitutional Bench of the Hon’ble Supreme Court had also reiterated this proposition in the following manner:-

.... “52. Thus, in our view, the appointing authority/recruiting authority/competent authority, in absence of rules to the contrary, can devise a procedure for selection of a candidate suitable to the post and while doing so it may also set benchmarks for different stages of the recruitment process including written examination and interview. However, if any such benchmark is set, the same should be stipulated before the commencement of the



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recruitment process. But if the extant Rules or the advertisement inviting applications empower the competent authority to set benchmarks at different stages of the recruitment process, then such benchmarks may be set any time before that stage is reached so that neither the candidate nor the evaluator/examiner/interviewer is taken by surprise.

65.2. Eligibility criteria for being placed in the select list, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;.....”

24.All the aforesaid judgments have, in unequivocal terms, stressed that once the selection process is set in motion by laying down the eligibility criterion, the candidates, who did not qualify such criterion, as on the date of the selection notification, but become eligible after the notification, cannot be considered for that particular selection process.



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25. In the instant case, when the 2017 notification was issued prescribing SI certificate from GRI, as the only criterion among the other essential qualifications for applying, none of the WASH candidates, who are before us, met the essential qualifications prescribed in the 2017 notification. These candidates held the PG Diploma in Environmental Sanitation Science awarded by WASH Institute, which Diploma was declared as equivalent to the SI certificate of the course of Government of Tamil Nadu, as per G.O.Ms.No.45, only on 19.04.2022. By the time the equivalence was declared, the entire selection process under the 2017 notification was completed and the 110 candidates holding GRI certificates were also selected and kept ready to be filled up in the vacant posts of SI in the municipalities. The completion of the selection process was pursuant to the interim order passed in the Writ Petition, the final order of which is under challenge before us.

26. If we were to now consider the plea of the WASH candidates to accommodate them in the 110 vacancies, in spite of them not possessing the essential qualification, as on the date of notification, we would be effectively changing the rules of the game midway, which is impermissible, in view of the decisions of the Hon'ble Supreme Court



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cited by us above, including the decision of the Constitutional Bench in ***Tej Prakash Pathak's case (supra)***.

27.In our considered view, the WASH candidates, who were ineligible as on the date of notification, and who had not participated in the selection process, may not be justified in seeking for preference of appointment over the finally shortlisted GRI candidates.

28.There is yet another aspect of the matter. When the 2017 notification was issued on 13.12.2017, all the eligible GRI candidates would have been under a legitimate expectation of being appointed after completion of the selection process. 110 of those GRI candidates were also successful in the selection process and their names were awaiting appointment. In this scenario, if the candidature of these anxious GRI candidates is to be disregarded and preference be given to the ineligible WASH candidates, the same would result in injustice, causing serious prejudice to them.

29.In the case of '***Navjyoti Coop. Group Housing Society & others Vs. Union of India & others***' reported in (1992) 4 SCC 477, the Hon'ble



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Supreme Court had dealt with the consequence of defeating the legitimate expectations of a person in the following manner:-

..... *“15. It also appears to us that in any event the new policy decision as contained in the impugned memorandum of January 20, 1990 should not have been implemented without making such change in the existing criterion for allotment known to the Group Housing Societies if necessary by way of a public notice so that they might make proper representation to the concerned authorities for consideration of their viewpoints. Even assuming that in the absence of any explanation of the expression “first come first served” in Rule 6(vi) of Nazul Rules there was no statutory requirement to make allotment with reference to date of registration, it has been rightly held, as a matter of fact, by the High Court that prior to the new guideline contained in the memo of January 20, 1990 the principle for allotment had always been on the basis of date of registration and not the date of approval of the list of members. In the brochure issued in 1982 by the DDA even after Gazette notification of Nazul Rules on September 26, 1981 the policy of allotment on the basis of seniority in registration was clearly indicated. In the aforesaid facts, the Group Housing Societies were entitled to*



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'legitimate expectation' of following consistent past practice in the matter of allotment, even though they may not have any legal right in private law to receive such treatment. The existence of 'legitimate expectation' may have a number of different consequences and one of such consequences is that the authority ought not to act to defeat the 'legitimate expectation' without some overriding reason of public policy to justify its doing so. In a case of 'legitimate expectation' if the authority proposes to defeat a person's 'legitimate expectation' it should afford him an opportunity to make representations in the matter. In this connection reference may be made to the discussions on 'legitimate expectation' at page 151 of Volume 1(1) of Halsbury's Laws of England, 4th edn. (re-issue). We may also refer to a decision of the House of Lords in Council of Civil Service Unions v. Minister for the Civil Service. It has been held in the said decision that an aggrieved person was entitled to judicial review if he could show that a decision of the public authority affected him of some benefit or advantage which in the past he had been permitted to enjoy and which he legitimately expected to be permitted to continue to enjoy either until he was given reasons for withdrawal and the opportunity to comment on



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such reasons.

16. It may be indicated here that the doctrine of 'legitimate expectation' imposes in essence a duty on public authority to act fairly by taking into consideration all relevant factors relating to such 'legitimate expectation'.".....

30.A similar view was also taken in the case of ***'Food Corporation of India Vs. M/s. Kamdhenu Cattle Feed Industries'*** reported in (1993) 1 ***SCC 71*** as follows:-

..... "7. In contractual sphere as in all other State actions, the State and all its instrumentalities have to conform to Article 14 of the Constitution of which non-arbitrariness is a significant facet. There is no unfettered discretion in public law : A public authority possesses powers only to use them for public good. This imposes the duty to act fairly and to adopt a procedure which is 'fairplay in action'. Due observance of this obligation as a part of good administration raises a reasonable or legitimate expectation in every citizen to be treated fairly in his interaction with the State and its instrumentalities, with this element forming a necessary component of the decision-making process in all State actions. To



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satisfy this requirement of non-arbitrariness in a State action, it is, therefore, necessary to consider and give due weight to the reasonable or legitimate expectations of the persons likely to be affected by the decision or else that unfairness in the exercise of the power may amount to an abuse or excess of power apart from affecting the bona fides of the decision in a given case. The decision so made would be exposed to challenge on the ground of arbitrariness. Rule of law does not completely eliminate discretion in the exercise of power, as it is unrealistic, but provides for control of its exercise by judicial review.

8. The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due consideration in a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question



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of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent.”.....

31.Thus, when the WASH candidates did not possess the requisite and essential qualifications prescribed in the 2017 notification and further did not even participate in the same, their subsequent qualification making them eligible, will have no consequence for their consideration in the selection process, which had already completed. As these GRI candidates were under legitimate expectation of being appointed, considering the WASH candidates who were ineligible as on the date of notification, at this juncture, would be unfair and unreasonable, as per the dictum laid down in the aforesaid two judgments of the Supreme Court.



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32.The further objections of the counsels appearing for WASH candidates is that the GRI candidates only held a PG diploma in SI course, which was not declared to be equivalent to the SI certificate course of the Government of Tamil Nadu. We do not endorse this submission. As on the date when the 2017 notification was issued, the qualification prescribed for the post of SI under the Regulations was the possession of a SI certificate awarded by the GRI, among other qualification. The essential qualification prescribed under the 2017 notification was also in conformity with these Regulations.

33.When the department themselves have recognised SI certificate issued by GRI to be a valid qualification for the post of SI, declaration of equivalent certificate with that of the SI certificate course of the Government, does not arise. On the other hand, if there is declaration by the Equivalence Committee that the SI certificate course of GRI is not equivalent to the Government's SI certificate, only then such a situation would arise.

34.In the instant case, there is no such declaration of these courses not being equivalent. On the other hand, the SI certificates conferred by



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WASH Institute was originally not recognised by the Government, which is evident from the letter of the Principal Secretary to Government, MAWS Department, dated 04.09.2018. It is only thereafter that the Equivalence Committee was constituted and the Diploma of WASH Institute was declared as equivalent to the SI certificate course of the Government of Tamil Nadu, under G.O.Ms.No.45, dated 19.04.2022. Thus, the claim of the counsels for WASH candidates that there is no declaration of equivalence of the GRI Certificate or that the certificate course offered by GRI is no longer in existence, is not of much significance.

35.The second bone of contention of the counsels for WASH candidate is that in the Writ Petition filed by them in W.P.No.33970 of 2019, they had sought for the following prayer:-

“For issuance of a Writ of Declaration, to declare that PG Diploma in Sanitary Inspector’s Course offered by the eighth respondent is different from the Sanitary Inspector Course Certificate mentioned in the Tamil Nadu Municipal Public Health Service Regulations, 1970 and that the PG Diploma in Sanitary Inspector’s Course offered by the eighth



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respondent (Gandhigram Rural Institute) is not recognised by the State of Tamil Nadu.”

36.The aforesaid prayer came to be allowed in the Writ Petition and consequently, since the PG Diploma of the SI course offered by GRI has been declared to be different from the SI certificate course mentioned in the Regulations and that in view of the further declaration that the PG Diploma of GRI is not recognised by the State of Tamil Nadu, the GRI candidates under the 2017 notification do not deserve consideration under the 2024 notification. It is their contention that the order in the Writ Petition has not been challenged by the GRI candidates and therefore, it is binding on them.

37.We had perused the entire order passed in the batch of Writ Petitions, inclusive of the order in W.P.No.33970 of 2019. However, we are unable to decipher any findings by the Writ Court on its decision to declare the GRI course, as either different from the Regulations or that it is not recognised by the State of Tamil Nadu. The only observations, touching upon this aspect and which may not be relevant for the purpose of such declaration, are found in the following paragraphs of the order



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passed in W.P.No.33970 of 2019.

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“119. Fact remains that none of the institutions today offer a Sanitary Inspectors Certificate as was envisioned in G.O.Ms.No.2087, Education and Public Health Department, dated 04.09.1961 though the impugned Recruitment Notification No.17624/2017/J1 dated 30.12.2017 still recognises archaic Sanitary Inspector's Certificate issued on behalf of the National Council for Rural Higher Education, New Delhi, at the end of the course at the Rural Institute, Gandhigram, Madurai District.

*120. The fact remains that the Rural Institute, Gandhigram, Madurai is itself not awarding any **Sanitary Inspector's Certificate** on behalf of the National Council for Rural Higher Education, New Delhi nor at the end of the Course since 2009.*

121. Gandhigram Rural Institute has become a Deemed University and is awarding Post Graduate Diploma in Sanitary Inspector's Course like WASH Institute and other institutions and is offering a Diploma in Sanitary Inspector Course like the other institutions in Category 2, 3 and 4.



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122. Diplomas awarded by these institutions are outside the ambit of University Grants Commission under the University Grants Commission Act, 1956. Same is the case of the Certificate specified in the Recruitment Notification and the Tamil Nadu Municipal Public Health Service Regulations, 1970 framed under Madras Public Health Act, 1939.

123. The issue relating to qualification offered by the four institutions arises as Diplomas offered by the four institutions are not regulated by a Statutory Body though the respective institutions have their own syllabus.

124. The Certificate contemplated in the impugned Recruitment Notification and G.O.Ms.No.2087, Education and Public Health Department dated 04.09.1961 amending Regulation 4(1) of Tamil Nadu Municipal Public Health Service Regulations, 1970, is no longer offered by Gandhigram Rural Institute.

125. Prima facie, none of the petitioners possess qualifications which are lesser or inferior to the qualifications that was originally envisioned in



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the year 1961 vide G.O.Ms.No.2087, Education and Public Health Department, dated 04.09.1961 issued in the exercise of power conferred by Section 8(2) of the Madras Public Health Act, 1939.

126. The course offered by all the four institutions today are more comprehensive than the Certificate course for Sanitary Inspectors by Rural Institute, Gandhigram, Madurai as was contemplated in the Rules and the recruitment Notification. The syllabus would have been designed based on the changing needs.

127. They appear to have been designed taking note of need, demand and advancement made in the field. In fact, this was there presentation of the respective institutes to their attendees who joined them.

128. Therefore, there cannot be any selective discrimination in the matter of public employment particularly when the courses offered by the Water Sanitation and Hygiene Institute (WASH Institute) affiliated to the Madurai Kamaraj University have now been recognised as equivalent by a competent authority.”



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38. Apart from the aforesaid portions of the order, none of the other paragraphs deal with the prayer for declaration, as stated above. This leads us to the consequential question as to what could be the precedentiary value of this order.

39. In our considered view, the order in the Writ Petition, granting the relief of declaration, appears to pass *sub silentio* and thus may not have a precedentiary value. In the case of ***Municipal Corporation of Delhi Vs. Gurnam Kaur*** reported in ***(1989) 1 SCC 101***, the Hon'ble Supreme Court had held that, when a particular point of law involved in the decision, is not perceived by the Court, it loses its precedential authority. Such a view was taken in the following manner:-

“11. Pronouncements of law, which are not part of the ratio decidendi are classed as obiter dicta and are not authoritative. With all respect to the learned Judge who passed the order in Jamna Das case [Writ Petitions Nos.981-82 of 1984] and to the learned Judge who agreed with him, we cannot concede that this Court is bound to follow it. It was delivered without argument, without reference to the relevant provisions of the Act conferring express



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power on the Municipal Corporation to direct removal of encroachments from any public place like pavements or public streets, and without any citation of authority. Accordingly, we do not propose to uphold the decision of the High Court because, it seems to us that it is wrong in principle and cannot be justified by the terms of the relevant provisions. A decision should be treated as given per incuriam when it is given in ignorance of the terms of a statute or of a rule having the force of a statute. So far as the order shows, no argument was addressed to the court on the question whether or not any direction could properly be made compelling the Municipal Corporation to construct a stall at the pitching site of a pavement squatter. Professor P.J. Fitzgerald, editor of the Salmond on Jurisprudence, 12th Edn. explains the concept of sub silentio at p. 153 in these words:

A decision passes sub silentio, in the technical sense that has come to be attached to that phrase, when the particular point of law involved in the decision is not perceived by the court or present to its mind. The court may consciously decide in favour of one party because of point A, which it considers and pronounces upon. It may be shown, however, that logically the court should not have decided in favour of the particular party unless it also decided point B in his favour; but point B was not argued or considered by the court. In such circumstances, although point B was logically



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involved in the facts and although the case had a specific outcome, the decision is not an authority on point B. Point B is said to pass sub silentio.

12. In Gerard v. Worth of Paris Ltd. (k). [(1936) 2 All ER 905 (CA)], the only point argued was on the question of priority of the claimant's debt, and, on this argument being heard, the court granted the order. No consideration was given to the question whether a garnishee order could properly be made on an account standing in the name of the liquidator. When, therefore, this very point was argued in a subsequent case before the Court of Appeal in Lancaster Motor Co.(London) Ltd. v. Bremith Ltd. [(1941) 1 KB 675], the court held itself not bound by its previous decision. Sir Wilfrid Greene, M.R., said that he could not help thinking that the point now raised had been deliberately passed sub silentio by counsel in order that the point of substance might be decided. He went on to say that the point had to be decided by the earlier court before it could make the order which it did; nevertheless, since it was decided "without argument, without reference to the crucial words of the rule, and without any citation of authority", it was not binding and would not be followed. Precedents sub silentio and without



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argument are of no moment. This rule has ever since been followed. One of the chief reasons for the doctrine of precedent is that a matter that has once been fully argued and decided should not be allowed to be reopened. The weight accorded to dicta varies with the type of dictum. Mere casual expressions carry no weight at all. Not every passing expression of a judge, however eminent, can be treated as an ex cathedra statement, having the weight of authority.”

40.In several decisions of the Hon’ble Supreme Court, it has been held that only when the Constitutional Court lays down a principle of law, it would amount to a precedent and a mere direction, without laying down any principle of law, would not act as a binding precedent. Such a view has been taken in the cases of ***Municipal Committee, Amritsar Vs. Hazara Singh*** reported in (1975) 1 SCC 794; ***State of Punjab Vs. Baldev*** reported in (1999) 6 SCC 172; and ***Delhi Administration (Now NCT of Delhi) Vs. Manohar Lal*** reported in (2002) 7 SCC 222.

41.In the order of the learned Single Judge passed in W.P.No.33970 of 2019, there is absolutely no finding or even a discussion as to how the Writ Court had come to the conclusion that either the PG Diploma of GRI



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is different from the SI course referred to in the Regulations or that the PG Diploma of GRI is not recognised by the State of Tamil Nadu. Some of the portions of the order, which makes casual observations, are also not findings, but *obiters*, which are not connected to the prayer for issuance of a Writ of Declaration. In the absence of categorical pronouncement of any principle of law or eligible findings for entertaining the prayer for declaration, we have no hesitation to come to the conclusion that the order in W.P.No.33970 of 2019 has been passed *sub silentio*. If that be so, such a declaration will not have any bearing on the qualifications held by the GRI candidates, nor will the inaction of not challenging the order by way of an appeal by the GRI candidates, have any consequence.

42.To sum up our findings, the WASH candidates, who neither possess the essential qualifications for the 110 posts of SI in the municipalities under the 2017 notification, nor participated in the selection process under the 2017 notification, would not be eligible for consideration of their candidatures for the 110 vacancies in various municipalities therein. Likewise, the GRI candidates, who possessed the essential qualification as on the date of 2017 notification and who were also successful in the selection process for filling up 110 vacancies of SI



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in the municipalities, have substantiated their rights to be considered in these vacancies.

43.In the result, the orders impugned in these three Writ Appeals are quashed. Consequently, there shall be a direction to the official respondents herein, to forthwith select and appoint the shortlisted candidates, possessing the GRI certificates for the 110 vacancies under the 2017 notification, as Sanitary Inspectors in the municipalities where there are vacancies, irrespective of their upper age limit. Such appointment orders shall be made atleast within a period of eight (8) weeks from the date of receipt of a copy of this judgment. Accordingly, all the Writ Appeals stand allowed. No costs. Connected miscellaneous petitions are also closed.

[M.S.R.,J]

[R.S.V.,J]

18.12.2025

Index:Yes

Neutral Citation:Yes

Speaking order

hvk/Sni



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To

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005,
Now at No.75, Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Principal Secretary,
Municipal Administration and Water Supply Dept.
Fort St.George,
Chennai – 600 009.

3.The Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai – 600 009.

4.The Director,
Directorate of Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai – 600 006.

5.The Director of Town Panchayats,
Kuralagam, Chennai – 600 108.

6.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.

7.The Treasurer,
WASH Institute,
Katiranampatti Pirivu,
Reddiar Chatram, Dindigul.



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8.The Chairman,
Expert Committee,
Commissioner of Municipal Administration,
MRC Nagar,
Chennai – 600 005.

9.The Registrar,
Gandhigram Rural Institute,
Deemed-to-be-University,
Dindigul – 624 302.



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M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

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Pre-delivery common judgment made in
W.A.Nos.2641 of 2022, 164 of 2023 & 728 of 2023

18.12.2025