



W.P(MD)No.16325 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.06.2025

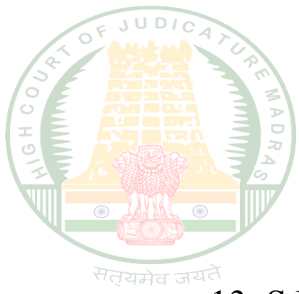
CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.16325 of 2025
and
W.M.P.(MD) Nos.12390 and 12391 of 2025**

- 1.R. Bavani
2. V.Ashok Kumar
- 3.M. Kabilan
4. P.Jeyakumar
- 5.P. Nagarajan
6. S.Suryaprakash
7. S.Selvaraj
8. S.Ashwin Jacob
9. R.Gowri Sri
10. M.Karthik Guhan
11. T.Loganathan
12. S.Malathi

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13. S.Narmadha

14. S.Sabarainathan

15. N.Saravana Kumar

16. K.Ramkumar

17. M.Ramkumar

18. A.Prabakaran

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600.

2. The Commissioner / Director Of Municipal Administration,
Municipal Administration,
No.75, Santhome High Road,
M.R.C Nagar,
Rajaannamalaipuram,
Chennai - 600 028.

3. The Director of Town Panchayats,
Urban Administration Office Complex,
No.75, Santhome High Road,
M.R.C. Nagar, Chennai - 600 028.

4. The Managing Director,
Tamil Nadu Water and Drainage Board,
Chepauk, Chennai - 600 005.



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5. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai - 600 003.

6. The Managing Director,
Chennai Metropolitan Water Supply and Sewage Board,
Chennai - 600 002.

7. The Director of Public Health and Preventive Medicines,
DMS Complex, Teynampet,
Chennai - 600 006.

8. S.Naveen Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the G.O.Ms.No.32 Municipal Administration and Water Supply Department dated 04.03.2025 issued in so far as the amendment made to Item No.2 under Division II (Sanitation) - Qualification for DIRECT RECRUITMENT To the post of Sanitary Inspector i.e. modification of the condition viz. any Institution approved by the Government of Tamil Nadu prescribed in G.O.Ms.No.45 Municipal Administration and Water Supply Department dated 12.03.2023 as "any recognised Institution" and consequent, Common Rank List (CRL) published on 26.02.2025, in so far as inclusion of the candidates, who had unapproved qualification and who obtained qualification from the Institutions not approved by Government/Director of Public Health/Universit/other Competent Authority at the time of publication of second respondent's notifications dated 30.12.2017 and



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02.02.2024 and addendums dated 09.02.2024 and 08.08.2024 and "No Vacancy" orders dated 17.03.2024 and 18.03.2025 issued to the petitioners and quash the same and consequently, direct the respondents to consider the petitioners for appointment as Sanitary Inspectors based on the qualifications prescribed in the notifications dated 30.12.2017 and 02.02.2024 and addendums dated 09.02.2024 and 08.08.2024 issued by the second respondent and on par with the candidates to who the allotment orders have been issued during the counselling held between on 17.03.2025 and 18.03.2025 (Batch) within a time limit to be fixed by this Court.

For Petitioners : Mr.Sricharan Rangarajan
Senior Counsel
For Mr.T. Sakthi Kumaran,

For Respondent : Mr.J.Ashok (R1 to R3 & R7)
Additional Government Pleader

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The governing legal principles for challenging service rules or service conditions are that, it is the prerogative of the employer to decide the number of posts to be filled, educational qualifications, age criteria and other requirements for appointment to a particular post or cadre. Therefore, a candidate aspiring to secure employment cannot challenge



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the eligibility criteria fixed by the employers unless such criteria contravenes any of the provisions of the statute or unconstitutional.

2.Equal opportunity in public employment is the constitutional mandate. Therefore, while fixing criteria it is essential that the employer shall ensure equal opportunity and criteria should not cause discrimination amongst the equals.

3.The *lis* on hand has been instituted challenging G.O(Ms)No.32, Municipal Administration and Water Supply Department, dated 04.03.2025 issued insofar as the amendment made to Item No.2 under Division II (Sanitation) - Qualification for the direct recruitment to the post of the Sanitary Inspector i.e, modification of conditions viz. any institution approved by the Government of Tamil Nadu prescribed in G.O.(Ms)No.45, Municipal Administration and Water Supply Department, dated 12.03.2023 as through any recognized institution and consequent common rank list (CRL) published on 26.02.2025). The petitioners have made an attempt to merge the previous selection with the new rules notified by the Government for selection and appointment to



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the post of Sanitary Inspector. Thus, there is no clarity in the relief sought for in the present writ proceedings.

4. Admittedly, the petitioners are aspiring candidates to secure appointment to the post of Sanitary Inspector in Municipal Administration and Water Supply Department. They had participated in the process of selection conducted in the year 2024. Pertinently, they had undergone the selection process, attended interview and were unsuccessful.

5. The impugned amendment of Rules for appointment to the post of Sanitary Inspector was notified through G.O.(Ms).No.32, Municipal Administration and Water Supply Department, dated 04.03.2025.

6. The learned Senior Counsel appearing on behalf of the petitioners would mainly contend that in the impugned notification one of the qualifications prescribed is that "must have completed sanitary inspector course from any recognized institution". Previously, the rule was the institutions recognized by the Government of Tamil nadu alone



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is eligible. In view of the fact that the present amendment would provide wider scope for many other equally qualified candidates, possessing qualification from various recognized institutions. Therefore, the Government thought fit and amended the rules to provide equal opportunity to all the eligible persons, who have completed their course through various other recognized institutions instead of confining the number of institutions recognized by the Government of Tamil Nadu alone. The louder object in the amendment is undoubtedly inconsonance with the spirit of the constitution and the equality clause enshrined under Article 14 of the Constitution of India.

7.The contention of the petitioners is that the previous rule stating that the recognition accorded by the Government of Tamil Nadu alone is to be considered for appointment is undoubtedly a narrow scope, which may prevent may other eligible candidates, who are all longing to secure appointment to the post of Sanitary Inspector.

8.The impugned notification was issued by the Government in exercise of the powers conferred by Section 198 of Tamil Nadu Urban



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Local Bodies Act, 1998. Therefore, the power of the Government cannot be questioned to notify rules. The contention of the petitioners is that rule expands the scope of participation of many other candidates who have completed their sanitary inspector course from any recognized institution. Thus, the very argument to restrict the scope of equal opportunity in public employment deserves no merit consideration.

9.As far as the previous selection is concerned, admittedly the petitioners were not selected nor the petitioners challenged the earlier notification, but participated in the process of selection and an intimation letter was given to the petitioners that no vacancy was available. Therefore they were not appointed. As far as the previous recruitment notification is concerned the petitioners could not establish that the impugned amendment rule was applied in respect of the selection already conducted. There is no document to establish that any addendum or corrigendum was issued incorporating the new rule notified in G.O. (Ms)No.32, dated 04.03.2025. Therefore, the selection was conducted as per the notification of the year 2024 and the impugned notification was issued on 04.03.2025, which is no way connected with the previous



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recruitment conducted for selection and appointment to the post of Sanitary Inspector in Municipal Administration and Water Supply Department.

10.The learned Senior Counsel would submit that the rule of the game cannot be changed.

11.However, the said submission has no relevance in respect of the facts, since the petitioners have not produced any document to establish that the impugned amendment was applied in respect of the selection process conducted in the year 2024 and pertinently, the interview for the previous selection was over in January 2025 itself but the impugned notification in G.O.(MD)No.32 was issued only on 04.03.2025. That being so, the very contention raised by the petitioners is untenable.

12.The employer is empowered to amend the service rules. However such rules cannot be amended to the disadvantage of the employees who are already in service. In the present case, the petitioners are only candidates aspiring to secure appointment to the post of Sanitary



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Inspector and therefore, the petitioners have not established even a semblance of legal right for the purpose of interfering with the new notification and pertinently based on the impugned rules recruitment notifications are yet to be issued and the eligibility of the petitioners now cannot be determined.

13.For all these reasons this Court do not find any *prima facie* ground for entertaining the writ petition and consequently, the same stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
17.06.2025

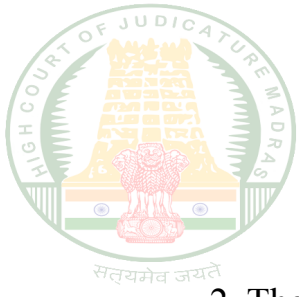
Index: Yes/No
Internet: Yes/No
NCC: Yes/No

LR

To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600.

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2. The Commissioner / Director Of Municipal Administration,
Municipal Administration,
No.75, Santhome High Road,
M.R.C Nagar,
Rajaannamalaipuram,
Chennai - 600 028.

3. The Director of Town Panchayats,
Urban Administration Office Complex,
No.75, Santhome High Road,
M.R.C. Nagar, Chennai - 600 028.

4. The Director of Public Health and Preventive Medicines,
DMS Complex, Teynampet,
Chennai - 600 006.



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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

LR

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