



W.P. Nos.2816-4691/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
25.02.2026	27.02.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 2816 & 4691 OF 2026

AND

W.M.P. NOS. 3121, 3124, 3126, 3128, 5223, 5224, 5226, 5227 OF 2026

K.Dheivakumar

.. Petitioner in WP 2816/2026

S.Vigneshguru

.. Petitioner in WP 4691/2026

- Vs -

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Health & Family Welfare (L1) Department
Fort St. George
Chennai 600 009.
 2. The Director
Directorate of Medical & Rural Health Services
DMS Complex, Teynampet
Chennai 600 006.
 3. Medical Services Recruitment Board
Rep. by its Chairman
Government of Tamil Nadu
No.359, Anna Salai, DMS Complex
Teynampet, Chennai 600 006.
- .. Respondents in both petitions



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W.P. No.2816 of 2026 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records of the 3rd respondent in its provisional selection list for the post of Health Inspector Grade II in PSL No.01/MRB/2026 dated 13.01.2026 and quash the same as being illegal and unsustainable in law insofar as it does not include the petitioner's name and for a consequential direction to the respondents to include the petitioner's name in the provisional selection list and appoint the petitioner as Health Inspector Grade II pursuant to the recruitment notification No.16/MRB/2025 dated 27.10.2025.

W.P. No.4691 of 2026 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records of the 3rd respondent in its provisional selection list for the post of Health Inspector Grade II in PSL No.01/MRB/2026 dated 13.01.2026 and quash the same as being illegal and unsustainable in law insofar as it does not include the petitioner's name and for a consequential direction to the respondents to include the petitioner's name in the provisional selection list and appoint the petitioner as Health Inspector Grade II under Persons with Disabled Category pursuant to the recruitment notification No.16/MRB/2025 dated 27.10.2025.



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For Petitioners : Ms N.Kavitha Rameshwar
For Respondents : Ms M.Sneha, Spl. Counsel for
RR-1 & 2
Mr. S.J.Mohd. Sathik for R-3

COMMON ORDER

Assailing the impugned provisional selection list in which the names of the petitioners have been omitted to be included inspite of them getting higher marks and satisfying all the relevant qualification criteria, the present writ petitions have been filed by the petitioners.

2. The short facts leading to the filing of the writ petitions could be stated as under :-

Pursuant to the notification dated 27.10.2025 calling for applications for filling up 1429 vacancies in the post of Health Inspector Grade II, the petitioners, who belong to Persons with Disabilities category and MBC submitted their applications, whereinafter, they were called for written examination and upon publication of the results, the petitioners, having scored more than the cut off marks, were called for certificate verification during which time they produced all the documents and at that point of time, no objection was raised with regard to



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the Diploma certificate of the petitioners with reference to the Sanitary Inspector course awarded by the Pondicherry University.

3. It is the further case of the petitioners that when the provisional selection list was published, to the shock of the petitioners, their name was not reflected therein, which is impugned in the present writ petition. It is the further case of the petitioners that enquiry about the non-inclusion of their name resulted in them being informed that since the petitioners have completed Diploma course at Pondicherry University, they have not been included, though it is the case of the petitioners that the names of some candidates, who have completed Diploma in Pondicherry University, their names have been included in the selection list, but the respondents refused to include the name of the petitioners.

4. It is the further case of the petitioners that the State Government had issued G.O. Ms. No.243, Higher Education (K1) Department dated 12.09.2023, to the effect that the Diploma in Sanitary Inspector course awarded by Pondicherry University is equivalent to the Multipurpose Health Worker (Male) (One Year



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Course) offered by the Directorate of Public Health and Preventive Medicine for the purpose of the post of Multipurpose Health Worker (Male).

5. It is the further case of the petitioners that G.O. Ms. No.443, Health & Family Welfare (L1) Department dated 14.10.2025 was issued to the effect that candidates, who have passed one year course certificate from Pondicherry University can participate in the recruitment process as one time measure as done vide G.O. Ms. No.338, Health and Family Welfare Department dated 2.8.2019.

6. It is the further averment of the petitioners that they are eligible for the post of Health Inspector Grade II pursuant to the aforesaid notification, but the 3rd respondent failed to include the name of the petitioners in the selection list and have not called them for counselling held on 20.01.2026 and 21.06.2026, though the petitioners have secured higher ranks and are fit and eligible for selection. Therefore, left with no other alternative, the present writ petitions have been filed.



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7. Learned counsel appearing for the petitioners submits that the impugned provisional selection list is against the Government orders, wherein, specific one time relaxation has been granted and, therefore, the non-consideration of the petitioners merely based on their one year Sanitary Health Inspector qualification is wholly impermissible.

8. It is the further submission of the learned counsel that the diploma course, which the petitioners have completed from Pondicherry University, has been considered and the petitioners have been permitted to participate in the recruitment process. Further, even when the petitioners were called certificate verification, their certificates were verified and the permissibility of their certificate or the qualification obtained by them have not been questioned. Such being the case, the recruitment notification having not barred the one year certificate obtained from Pondicherry University, the petitioners are entitled for consideration for inclusion of their name in the provisional selection list.

9. It is the further submission of the learned counsel that the petitioners have completed the diploma course from Pondicherry University in the year 2019 and 2022 and as per the Government Orders the certificate obtained by them



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have been granted one time relaxation for participation in the selection process and that being the case, the selection process having been undertaken in the year 2025 and the relaxation was granted vide G.O., Ms. No.443, Health & Family Welfare (L1) Department dated 14.10.2025, they are entitled for participation and consideration of their candidature for the said post.

10. In support of the aforesaid submission, learned counsel placed reliance on the decision of this Court in ***S.Arun & Ors. – Vs – State of Tamil Nadu & Ors. (W.P. Nos.1863 & 1868 of 2026 – Dated 28.01.2026)***.

11. Per contra, learned special panel counsel appearing for respondents submit that the relaxation granted by way of G.O. No.338 dated 2.8.2019 would only enure to the benefit of such of the persons, who had completed the said one year course prior to the issuance of the Government Order, more particularly in the year 2019. The petitioners having completed the one year course only in the year 2022, the benefit of the said Government Order cannot be claimed by the petitioners.



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12. It is the further submission of the learned counsel that vide communication dated 19.4.2022 of the Higher Education Department, declaration was given that the one year Sanitary Inspector course offered by University of Pondicherry is equivalent to the one year course offered by the Directorate of Public Health. However, on and from the year 2017, the one year course was stopped by the Government of Tamil Nadu and two year course had come into force and the qualification for the said post was amended and, therefore, on and from the amendment dated 28.3.2023, the benefit of the aforesaid G.O. No.338 cannot be granted to the petitioners.

13. It is therefore the submission of the learned counsel that harmonious reading of the orders of this Court as also G.O. No.338, it would be clear that on and from 2019, the one year course completed by such of those individuals alone could be extended the benefit of the one time relaxation and it cannot be passed on forthwith and the petitioners having completed their course only in the year 2022, they cannot get the benefit of G.O. Ms. No.338 and rightly appreciating the above, the case of the petitioners have been negated and, therefore, sought dismissal of the present writ petitions.



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14. In support of the aforesaid submission, reliance was placed on the decision of the Division Bench of this Court in ***P.Vadivel & Ors. – Vs – State of Tamil Nadu & Ors. (W.A. No.987/2023 – Dated 15.04.2025).***

15. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

16. There is no quarrel with regard to the decisions relied on by the learned counsel on either side, but suffice to state that the said decisions operate in the relevant circumstance as has been put forth in the said case.

17. The whole case presented herein revolves upon the permissibility of the one year diploma course for Sanitary Inspectors offered by Pondicherry University from which the petitioners have completed the same in the year 2022 with particular reference to the date of issuance of G.O. Ms. No.338 dated 2.8.2019, which date, according to the respondents, is crucial for determination of the one time relaxation granted for the said course.



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18. Prior to 2017, one year diploma course was conducted by the Directorate of Public Health as also by Pondicherry University and the subject to the Director of Public Health certifying that the syllabus of the one year course conducted by Pondicherry University, is equivalent to the one year course offered by the Directorate of Public Health, the said course was held to be equivalent to the course conducted by the Directorate of Public Health.

19. There is no quarrel with the fact that such equivalence has been granted by the Director of Public Health to the course offered by the Pondicherry University and the course undertaken by the petitioners has also been held to be equivalent to the course conducted by the Directorate of Public Health.

20. On and from the year 2017, the one year course was replaced by two year course and the qualification for applying to the post of Sanitary Inspector was accordingly modified. However, for want of persons who had completed the requisite two year course to fill up the posts of Sanitary Inspectors, G.O. Ms. No.338 dated 2.8.2019 was issued permitting relaxation of the qualification so as to enable persons, who had the one year diploma certificate from Pondicherry University, also to partake in the selection process.



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21. It is further borne out by record that due to COVID outbreak, the selection process could not be taken up for the 334 posts, which were to be filled up and by the year 2025 the number of posts for being filled up had skyrocketed to more than 1000 and, therefore, on the basis of the direction issued by the Division Bench of this Court in *Vadivel case (supra)* G.O. Ms. No.443, Health & Family Welfare (L1) Department dated 14.10.2025 came to be issued in which relaxation was granted to Rule 5 (a) of the Adhoc Rules relating to age was granted and necessary inclusion was directed to be made in the notification for filling up of the post of Health Inspector Grade II. Therefore, what was under the consideration before the Division Bench was only with regard to age relaxation, more specifically on account of COVID outbreak, due to which the selection process could not be undertaken, which had, thereafter, been undertaken in the year 2025 through the aforesaid notification.

22. There could be no quarrel with the fact that one time relaxation was granted for considering the one year course offered by Pondicherry University as a qualified qualification for consideration for the post of Sanitary Inspector and



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for better appreciation, the relevant portion of the said G.O. Ms. No.338 is quoted hereunder :-

"4. The Government have examined the proposal of the Director of Public Health and Preventive Medicine in detail and decided to permit him to fill up the vacancy of 334 posts Multi Purpose Health Worker (Male) (Health Inspector Grade-II) as identified in the Government Order second read above by giving one time relaxation of the rule 5(b) of adhoc rule for the above said post through the Medical Service Recruitment Board. The Government accordingly do and hereby direct that the Director of Public Health and Preventive Medicine be permitted to fill up the 334 posts of Multi Purpose Health Worker (Male) (Health Inspector Grade-II) which are vacant at present based on the norms fixed in the Government Order second read above by giving one time relaxation of the rule 5(b) of adhoc rule for the above said post through the Medical Service Recruitment Board with the candidates who fulfilled the following qualifications:

- i. Must have passed plus two with Biology or Botany and Zoology.*
- ii. Must have passed Tamil Language as a subject in SSLC level.*
- iii. Must possess one year Multi Purpose Health Worker (Male) Course/ Sanitary Inspector Course in University affiliated / Government recognised institutions. The syllabus followed in such institutions should be*



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equivalent to the syllabus prescribed by the Director of Public Health and Preventive Medicine.”

23. It is even the admitted case of the respondents that the syllabus offered by Pondicherry University was held to be equivalent to the one year course offered by the Directorate of Public Health. Further, the course underwent by the petitioners has also been held to be equivalent to the one year course offered by the Directorate of Public Health, even as per the admission of the respondents in their counter. Therefore, the equivalence of the certificate of the petitioners stands confirmed and it could safely be concluded that they fulfil the necessary qualification.

24. The only ground on which the certificate of the petitioners is sought to be rejected is that they have completed the course in the year 2019 and 2022, while the one time exemption granted in G.O. Ms. No.338 dated 2.8.2019 is restrictive of the one time qualification obtained by persons to the period till 2019 and not beyond that.

25. G.O. Ms. No.338 dated 2.8.2019, as extracted supra, reveals that the Government, as one time measure, had granted the relaxation by prescribing



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that the candidates, who are to be considered for the post of Sanitary Inspector should be possessed of one year Multi Purpose Health Worker (Male) Course/Sanitary Inspector Course in University affiliated/Government recognized institutions and that the syllabus followed in such institutions should be equivalent to the syllabus prescribed by the Director of Public Health and Preventive Medicine.

26. As already stated above, the syllabus of the course underwent by the petitioners has been certified to be equivalent to the syllabus prescribed by the Director of Public Health and Preventive Medicine. True it is that G.O. Ms. No.338 has been issued on 2.8.2019 wherein one-time relaxation has been granted for considering the candidature of persons, who had completed the one year diploma course conducted by such of the recognized universities, the syllabus of which is equivalent to the one prescribed by the Director of Public Health and Preventive Medicine. Since the issuance of the Government Order, no recruitment process has been undertaken, as the outbreak of COVID had restricted the recruitment. Therefore, the one-time relaxation granted through the said Government Order was yet to be put to use and only for the very first time, through the aforesaid notification, the said Government Order is put to use.



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Therefore, it could safely be presumed that the one-time relaxation granted is for the purpose of one notification and recruitment and it cannot be carried on interminably by the respondents. As aforesaid, the one-time relaxation granted vide G.O. Ms. No.338 has been put to use for the first time during the present notification of the year 2025.

27. Further, a careful reading of the other portion of the aforesaid Government Order reveals that there is no prescription that the one-time relaxation granted is only for such of those persons, who had completed their course prior to 2019 or the date prior to which the Government Order has been issued.

28. In fact, there is a clear pointer in clause (iii) of Para-4 of the aforesaid Government that the persons must be in possession of one year Multi Purpose Health Worker (Male) Course/Sanitary Inspector Course in University affiliated/Government recognized institutions and that the syllabus followed in such institutions should be equivalent to the syllabus prescribed by the Director of Public Health and Preventive Medicine, meaning thereby, that on the date



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when the persons are applying for the said post, they should be in possession of the said qualification.

29. Reading something into the Government Order No.338, which is non-existent in the said Government Order is impermissible so long as there is no ambiguity. In the present case G.O. Ms. No.338 does not restrict the qualification obtained to a particular date, viz., 2019; rather, it only prescribes that such relaxation is granted as a one-time measure for the said recruitment and it cannot be carried beyond the said period. The petitioners do fall within the zone of consideration, as the one time relaxation granted through G.O. Ms. No.338 has been put to effect through the present recruitment process in which the petitioners have participated.

30. Merely because the petitioners have completed the said course in the year 2019 and 2022 and G.O. Ms. No.338 has been issued on 2.8.2019 cannot be the basis to reject the candidature of the petitioners, as the relaxation granted through G.O. Ms. No.338 is a one time measure and it is not restrictive to a particular period, as contended by the respondents.



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31. Moreover, the one-time relaxation granted in G.O. Ms. No.338 dated 2.8.2019 has been put to use only through the present recruitment process wherein notification had been issued in the year 2025. Further, pending the recruitment process, *Vadivel case (supra)* had directed consideration of relaxation of age, which has also been granted vide G.O. Ms. No.443 and, therefore, both G.O. Ms. No.338 and G.O. Ms. No.443 have to be read as a whole to the said notification and one time relaxation has to be granted to all persons, both in terms of qualification as also in terms of age and, there cannot be restrictive application of the Government Orders as advanced by the respondents, when the selection process is one and the same. Therefore, the contention advanced by the respondents that the diploma certificate of the petitioners cannot be considered as they have obtained the qualification in the year 2022 deserves to be rejected.

32. In fine, this Court holds that the qualification obtained by the petitioners from University of Pondicherry, fulfils the qualifications prescribed in the notification and also fulfils the conditions prescribed in G.O. Ms. No.338 and G.O. Ms. No.443 and necessarily the candidature of the petitioners have to be considered favourably by including the names of the petitioners in the provisional



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selection list of persons for the post of Health Inspector Grade-II at the appropriate place in the appropriate category.

33. In the result, these writ petitions are allowed and the respondents are directed to include the names of the petitioners in the provisional selection list in the appropriate place under the appropriate category for the post of Health Inspector Grade – II and republish the list forthwith and proceed with the recruitment and appointment process for the post of Health Inspector Grade – II in accordance with law. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

27.02.2026

Index : Yes / No

GLN

Note to Office :

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To

1. The Principal Secretary to Government
Health & Family Welfare (L1) Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Director
Directorate of Medical & Rural Health Services
DMS Complex, Teynampet
Chennai 600 006.
3. The Chairman
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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NOS.2816 & 4691 OF 2026**

**Pronounced on
27.02.2026**