

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.10786 of 2016

K.Ramesh

.. Petitioner

-vs-

- 1.The State of Tamil Nadu,
rep. by Secretary to the Government,
Environment and Forest Department,
Fort St. George, Chennai-9.
- 2.Principal of Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai-600 015. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to appoint the petitioner as Forester by transfer of service from the ministerial cadre for the year 2003-04 and fix his seniority above his juniors and with all consequential service and monetary benefits.

For Petitioner : Mrs.Selvi George

For respondents: Mr.N.Inbanathan,
Government Advocate (Forest)

O R D E R

The petitioner K.Ramesh has come to this Court, seeking a writ of mandamus directing the respondents to appoint him as Forester by transfer of service from the ministerial cadre for the year 2003-04 and fix his seniority above his juniors.

2.Learned counsel appearing for the petitioner would submit that after the petitioner joined as a Junior Assistant in Ministerial service in the year 1995 in the Tamil Nadu Forest Department, he was promoted to the post of Assistant on 22.07.2004. Thereafter, he was eligible to be promoted as Forester by transfer of service for the year 2003-04. When the petitioner obtained Post Graduate in M.A. through Open University, the respondents ought to have considered the case of the petitioner for further promotion. Adding further, she would

further submit that when Rule 5 of the Tamil Nadu Forest Subordinate Service prescribes the minimum qualification for the post of Forester as a) Bachelors degree, (b)(i) must be not less than 163 c.m. in height, (b)(ii) must be not less than 79 c.m. round the chest on full expiration and (b)(iii) must have a chest expansion of not less than 5 c.m. on full inspiration and the petitioner obtained Post Graduate in M.A. through Open University, the respondents, without assigning any reason whatsoever, cannot refuse the prayer of the petitioner to consider him for further promotion.

3. But this Court finds no merit in the submission made by the learned counsel for the petitioner. When Rule 5 of the Tamil Nadu Forest Subordinate Service prescribes the minimum educational qualification namely the Bachelors degree, the petitioner, who has not passed +2 and obtained post graduate degree in M.A. through Open University, cannot seek such a prayer to confer the said promotion, as if he got requisite qualification for the said promotional post. Hence, this Court is not inclined to entertain this petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

vga

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to the Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai-9.

2. Principal of Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai-600 015.

+ 1 cc to Mrs. Selvi George, Advocate, SR 18521

+ 1 cc to Spl. Govt. Pleader, (T) High Court, Madras SR 18572

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