

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.30022 of 2016

1. M.Karthick
2. M.Sonaimuthu
3. C. Veeramani

.. Petitioners

Versus

1. The State of Tamil Nadu
Rep. by the Secretary to Government,
Environment & Forest Department,
Fort St. George,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Tamilnadu Forest Department,
Panagal Building,
Saidapet,
Chennai - 15.
3. The Secretary,
Tamilnadu Public Service Commission,
Chennai.

.. Respondents.

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, to direct the 1st and 2nd respondent to follow Section 12(2) of Tamilnadu Forest Subordinate Service Rules by considering petitioner's representation dated 05.08.2016 and consequently direct the 3rd respondent to conduct direct recruitment for the post of Forest Rangers.

For Petitioners : Mr.S.Vinoth Kumar
For Respondents : Mr.E.Manoharan,
Additional Government Pleader

ORDER

By consent of both parties, the present writ petition is taken up for final disposal at the admission stage itself.

2. The learned counsel appearing for the petitioners submitted that the petitioners have completed B.Sc. Forestry degree in the month of May 2014 and they anticipated to get appointed as Rangers by Direct Recruitment in the forest department. But, as per the information obtained under the Right to Information Act, there was no Direct Recruitment for the post of Rangers for the period from 2010-2011 till 2015-2016 and as per Section 12(2) of the Tamil Nadu Forest

Subordinate Service Rules, 45% of the vacancy arising in the category of Rangers should be filled up by Direct Recruitment, 54% by promotion among the Foresters who have completed the Foresters course of training and 1% by transfer from among the members of the Tamil Nadu Ministerial Service in Forest Department as per G.O.Ms.No.145, Environment and Forests, dated 10.05.1995. According to the petitioners, in the year 2010, appointments were made for the vacancies that arose during the period 2006-2009, but, it was not challenged before this Court. Thereafter, the petitioners made representations on 05.08.2016 seeking to implement the said Rule to effect appointment by direct recruitment to the post of Ranger. But, on 12.08.2016, the appointment to the post of Rangers was made by way of promotion and no direct recruitment has been called for. Hence, the learned counsel appearing for the petitioners seeks a direction to the respondents to consider their representations for being appointed to the post of Ranger by direct recruitment as per Rule. Learned counsel appearing for the petitioner further submitted that the respondents may also be directed to follow the Rules for such appointment.

3. The learned Additional Government Pleader appearing for the respondents would only contend that the respondents would always abide by the Rules in the matter of recruitment to the post of Ranger either by transfer or otherwise. It is further submitted that the petitioners cannot, as a matter of right, seek for appointment to the post of Ranger and the respondents also cannot be compelled to appoint the petitioners even though they may be qualified to hold the post. However, he would submit that the respondents would consider the representation of the petitioners as per the prevailing Rules.

4. In view of the submissions made by the learned Additional Government Pleader, the first and second respondents are hereby directed to consider the petitioner's representation dated 05.08.2016 and pass appropriate orders thereon, on merits and in accordance with law, as expeditiously as possible.

5. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government,
Environment & Forest Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
Tamilnadu Forest Department,
Panagal Building,
Saidapet,
Chennai - 15.

3. The Secretary,
Tamilnadu Public Service Commission,
Chennai.

+1 cc to Mr.S.Vinothkumar,advocate,sr.49049

+1 cc to Spl.Govt.pleader,sr.49098.

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krd 19/9

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