

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35599 of 2016

P.Anand

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. By its Secretary to Government,
Environment and Forest Department,
Fort. St. George,
Chennai 600 009.
2. The Principal Chief Conservator of Forests
and Head of Forest Force,
Panagal Building,
Saidapet, Chennai - 15.
3. The Chairman,
The Tamil Nadu Forest Uniformed Services
Recruitment Committee,
9th Floor, Panagal Building,
Saidapet, Chennai 600 015.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to consider the petitioner's claim for appointment to the post of Forester/Field Assistant by adopting the special quotas under dependent quota for the similar nature of working persons based on G.O.Ms.No.834, Home (Police-III) Department, dated 10.09.2001 for Tamil Nadu Uniformed Services Recruitment.

For Petitioner : Mr.A.Sirajudeen,
Senior Counsel
for Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan
Government Advocate (Forests)

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to consider his claim for appointment to the post of Forester/Field Assistant by adopting the special quota under dependent quota for the similar nature of working persons based on G.O.Ms.No.834, Home (Police-III) Department, dated 10.09.2001 for Tamil Nadu Uniformed Services Recruitment.

2. According to the petitioner, he is an Engineering Graduate and his father was a Government Servant in the Forest Department. The 3rd respondent issued a Notification calling for applications for selection of men and women for the post of Forester, Forest Guard/Field Assistant by direct recruitment vide advertisement No.1/2014, dated 22.12.2014, whereby, 10% of seats were allotted to sports persons, 30% of seats for women, 5% of seats for ex-servicemen, 10% of seats for destitute widows, 3% of seats for differently abled persons and 30% of seats for Tribal people. Such quotas are followed category wise, i.e. General Turn, Backward Class, Most Backward Class, Scheduled Caste and Scheduled Tribe. Details of the vacancies are:

Unit	G.T.	MBC/DC	BC	BC (M)	SC	SC (A)	ST	Total
TNFD	46	30	39	5	22	5	1	148
T AFCORN	4	2	4	1	4	2	-	17
ARC	3	4	4	1	3	1	-	16
Grand Total								181

3. The petitioner applied for the post of Forester and appeared in the Written Test, which was held on 22.02.2015 at Chennai. Results were published on 20.11.2015 and marks were uploaded in the Website. Though the petitioner was declared as pass, he did not come within the purview of the cut-off marks published. Thereafter, the selected candidates were called for Certificate verification in person and the same was held from 25.07.2016 to 03.08.2016. Pursuant to the certificate verification, the 3rd respondent published a second list of selected candidates and cut-off marks and the candidates were instructed to send photo copies of their Certificates through post, for clarification.

4. The grievance of the petitioner is that though notification was issued on 22.12.2014 and examination was conducted on 22.02.2015, till date, there is no completion of second level of selection. It is his further submission that

the Government of Tamil Nadu, by G.O.Ms.No.834, Home (Pol. III) Department, dated 10.09.2001, ordered that the wards/dependents of serving/retired/deceased or medically invalidated police personnel and ward/dependent of serving ministerial staff of Police Department will be entitled for preference in the matter of appointment and 10% seats were allotted for the wards/dependent category and the said Government Order was subsequently clarified by a Government letter dated 26.03.2002. The Government Order further says that 10% quota will be provided for dependents of the serving police personnel and the wards/dependents of retired, deceased and medically invalidated police personnel so as to boost up the morale and strengthen the loyalty of the Force.

5. Relying on the said Government Order, the petitioner claims that the Officers of the Forest Department are also doing risky jobs and hence, the preference in the matter of appointment as extended to the Tamil Nadu Police Department should be extended even to the Tamil Nadu Forest Uniformed Recruitment Board. As a dependent of a retired Forest Officer, the petitioner made a representation to the respondents to implement similar benefits in the selection by the Tamil Nadu Forest Uniformed Recruitment Board. Since there is no response from them, the petitioner is before this Court.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. When the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner had initially passed the Written Test conducted for selection of the post of Forester and hence, the respondents may be directed to consider the petitioner's representation for selection to the post of Forester based on the Government Order vide G.O.Ms.No.834, Home (Pol.III) Department, dated 10.09.2001, as selection for the said post is presently going on.

8. In view of the above, though this Court is not inclined to give a positive direction, the petitioner is at liberty to approach the respondents with a fresh representation in respect of his grievance and on receipt of the same, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law within a period of six weeks, thereafter.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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State of Tamil Nadu,
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+1cc to Mr.K. Jenitha, Advocate, S.R.No.65554
+1cc to the Government Pleader, S.R.No.65900

Gmi (CO)
md(30/11/2016)

W.P.No.35599 of 2016