



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD).No.1876 of 2015 and 12944 of 2016
and
M.P(MD)No.2 of 2015
WMP(MD).No.2680 of 2016 and 9749 of 2016

S.Alaguraj ...Petitioner in both petitions

Vs.

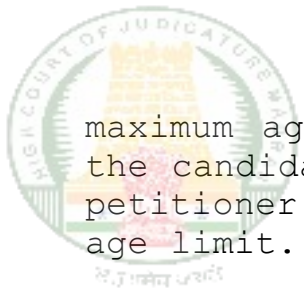
- 1.The Member Secretary,
Tamil Nadu Forest Uniformed Services
Recruitment Committee (TNFUSRC),
9th Floor, Panagal Maaligai,
Saidapet, Chennai - 10.
- 2.Mr.Principal Chief Conservator of Forests
and Head of the Department,
Panagal Building,
1. Jennis Road, Saidapet, Chennai - 15.
- 3.The District Forest Officer,
Kodaikanal, Dindigul District.

...Respondents in W.P(MD)No.1876 of 2015

- 1.The Member Secretary,
Tamil Nadu Forest Uniformed Services
Recruitment Committee (TNFUSRC),
9th Floor, Panagal Maaligai,
Saidapet, Chennai - 10.
- 2.Mr.Principal Chief Conservator of Forests
and Head of the Department,
Panagal Building,
1, Jennis Road, Saidapet, Chennai - 15.

... Respondents in W.P(MD)No.12944 of 2016

Prayer in W.P(MD)No.1876 of 2015 : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a WRIT OF CERTIORARI to call for the records relating to the <https://hcserviceportal.org/hcservices/> the notification vide Impugned Advertisement No.1/2014 in Daily Thanthi dated 22.12.2014 on the file of the first respondent and quash the same insofar as the provision for



maximum age limit and directing the first respondent to consider the candidature of the petitioner to the post of Forester vide the petitioner's application dated 21.01.2015 by relaxing the maximum age limit.

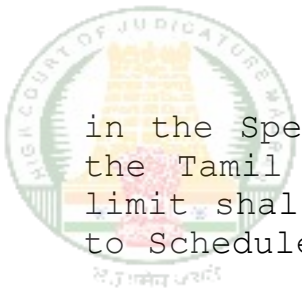
Prayer in W.P(MD)No.12944 of 2016 : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a WRIT OF MANDAMUS to direct the first respondent to consider the candidature of the petitioner to the post of Forester as an in-service candidate by permitting the petitioner to participate in the further selection process in pursuant to the notification in advertisement No.1 of 2014 dated 22.12.2014.

For petitioner
in both WPs : Mr.G.Prabhu Rajadurai
For respondent
in both WPs : Mr.R.Anandaraj G.A.,

COMMON ORDER

S.Alaguraj who claims to be a candidate belonging to Scheduled Caste community and working as a Forest Guard with driving licence in the District Forest Office, Kodaikanal, has filed these writ petitions. In W.P(MD)No.1876 of 2015, the petitioner has sought for writ of a Certiorari, to quash the Advertisement No.1/2014 issued by the 1st respondent/Member Secretary, Tamil Nadu Forest Uniformed Services Recruitment Committee (TNFUSRC), Chennai, and also to consider him to the post of Forester on the basis of his application, by relaxing age limit. During the pendency of that writ petition, he has also filed another W.P(MD)No.12944 of 2016, seeking a writ of Mandamus, directing the 1st respondent to consider him to the post of Forester, as an in-service candidate, by permitting him to participate in the further selection process, pursuant to the notification given in Advertisement No.1 of 2014, dated 22.12.2014.

2.Learned counsel for the petitioner would submit that the 1st respondent issued an Advertisement No.1/14 dated 22.12.2014, calling for applications to the post of Forester in Tamil Nadu Forest Department and Tamil Nadu Plantation Corporation Limited, pursuant thereto, the petitioner submitted his application on 21.01.2015 and also made a representation to the 3rd respondent/District Forest Officer, Kodaikanal, as well as the Head of the Department seeking permission to appear for selection, accordingly, the petitioner was permitted to participate in the selection process as an in-service candidate. As per the abovesaid Advertisement, the maximum age for appointment to the post of Forester is, 35 years for Scheduled Caste candidates as provided



in the Special Rules for Forest Department, however, by virtue of the Tamil Nadu State and Subordinate Service Rules, maximum age limit shall not be applicable in respect of the persons belonging to Scheduled Caste.

3. Adding further, he would submit that apprehending that the first respondent would not consider his application, the petitioner filed W.P(MD)No.1876 of 2015, with an interim prayer to permit him participate in the written examination. This Court, considering the case of the petitioner, passed an interim order directing the 1st respondent to permit him to write the written examination scheduled held on 22.02.2015. Pursuant to the said order, the petitioner attended the written examination on 22.02.2015, but only in November 2015, the results were published. Since the cut off mark in respect of the scheduled caste candidates was fixed as 148.80 and the for candidates belonging to Schedule Caste Community(Sports) as 125.60 marks, the petitioner who had secured only 79.20, was not selected. In the meanwhile, he has come to this Court with the second Writ Petition(MD) No.12944 of 2016, seeking a direction to the 1st respondent to consider his candidature for the post of Forester as in-service candidate, by permitting him to participate in the selection, since 20% reservation has been given in favour of in-service candidates by the Tamil Nadu Uniformed Services Recruitment Board in the abovesaid Notification.

4. Referring to paragraph 11 of the counter affidavit filed by the 1st respondent/Member Secretary, Tamil Nadu Forest Uniformed Services Recruitment Committee (TNFUSRC), Chennai, learned counsel for the petitioner would submit that when Tamil Nadu Uniformed Services Recruitment Board has provided 20% reservation to the departmental quota/in-service candidates out of overall vacancies, the averments at paragraph 11 of the counter affidavit that in-service reservation is being provided only to the sons or the daughters of the serving or retired police personnel and it is only 'Wards Quota' and not 'in-service reservation', are absolutely erroneous, therefore, a direction may be given to the respondents to consider the representation of the petitioner, dated 03.04.2016, on merits.

5. In reply, learned Government Advocate appearing for the respondents would submit that no such reservation is made in the service rules applicable to the post of Forester and even if a policy decision is taken in this regard, the same cannot be implemented in the ongoing recruitment process.

6. Be that as it may, this Court is of the view that the representation of the petitioner can be disposed of on merits by ~~the respondents~~ accordingly, this Court directs the respondents to consider the representation of the petitioner, dated 03.04.2016, and pass appropriate orders on merits and in



accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, W.P(MD)No.12944 of 2016 stands disposed of. In view of the disposal of W.P(MD)No.12944 of 2016, and for the above reasons, W.P(MD)No.1876 of 2015 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1. The Member Secretary,
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Recruitment Committee (TNFUSRC),
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and Head of the Department,
Panagal Building,
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3. The District Forest Officer,
Kodaikanal, Dindigul District.

+1CC to M/S.G.Prabhu Rajadurai, Advocate, SR.No. 41456
+1CC to the Special Government Pleader, SR.No. 41537

W.P (MD) .No.1876 of 2015 and 12944 of 2016
and
M.P (MD) No.2 of 2015
WMP (MD) .No.2680 of 2016 and 9749 of 2016
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