

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.6408 to 6410 of 2011

G.Kannan .. Petitioner in W.P.No.6408 of 2011
K.Ramkumar .. Petitioner in W.P.No.6409 of 2011
A.Kumaraguru .. Petitioner in W.P.No.6410 of 2011

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Secretary,
Forest Department,
Fort St. George,
Madras.
- 2.The Principal Chief Conservator of Forest,
Chennai-15.
- 3.The Secretary,
Tamilnadu Public Service Commission,
No.1 Greams Road,
Chennai-6. .. Respondents in all W.Ps.

Prayer in all W.Ps: Writ Petitions have filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to G.O.Ms.No.118 Environment and Forest (FR2) dated 20.08.2010, quash the same and direct the respondents to include the education qualification of M.sc., in Wild Life Biology in Clause(a) of Education qualification above a Bachelors Degree in Forestry or its equivalent degree of any recognized University in the notification dated 24.11.2010, advertisement No.254 by the 3rd respondent and select the petitioners for the post of Forest Apprentice if is otherwise.(Prayer amended as per Order dated 14/09/2011 made in Mps 2,2,2/11 in Wps 6408 to 6410/11)

For Petitioner : Mr.T.Sezhian
(in all W.Ps.)

For Respondents : Dr.M.Devendran for R3
(in all W.Ps.) : No Appearance for RR1 and 2

C O M M O N O R D E R

The relief sought for in these writ petitions is to direct the respondents to include the educational qualification of M.sc., in Wild Life Biology in Clause(a) of Educational qualification above a Bachelors Degree in Forestry or its equivalent degree of any recognized University in the notification dated 24.11.2010, and the advertisement No.254 by the 3rd respondent and accordingly select the petitioners for the post of Forest Apprentice.

2.The grievances of the writ petitioners is that the qualification of M.sc., Degree in Wild Life Biology has not been incorporated as a valid qualification for the purpose of appointment to the post of Forest Apprentice. The petitioners are not a competent person to seek inclusion of any of the degrees in the notification issued by the competent authorities for recruitment. Prescription of educational qualifications and other qualifications for employment is an administrative prerogative of the State and the employer.

3.The contention of the petitioners is that the M.sc., Degree in Wild Life Biology is equivalent to that of the degree Course in B.sc., Degree in Forestry. When, the M.sc., Degree in Wild Life Biology as if granted by the Bharathidasan University which is approved by University Grants Commission, the present degree also to be incorporated as a valid educational qualification for the purpose of appointment. Such a claim of the writ petitioners are beyond the scope of legal regime and it is not for the candidates to provide suggestion in respect of the incorporation of the educational qualification.

4.The learned counsel appearing for the third respondent submitted that the letter issued by Tamil Nadu Public Service Commission in letter No.2012/LCD-C1/2011, dated 31.10.2014 stating that the M.sc., Degree in Wild Life Biology awarded by the Bharathidasan University is not equivalent to B.sc., Degree in Forestry. When the Tamil Nadu Public Service Commission has given the expert opinion that the M.sc., Degree in Wild Life Biology is not equivalent to B.sc., Degree in Forestry, this Court cannot grant any relief as such sought for in this writ petition. Further, in respect of the equivalents for qualifications, it is for the expert body to decide the same based on the academic subjects prescribed in various courses and this Court must be careful, while entertaining such claims by the writ petitioners. The opinion of the expert body in normal circumstances ought to be accepted by this Court. If the same is disputed and, if the authorities fails to produce credible evidence, then the Courts can entertain but not otherwise.

5.In the case on hand, the writ petitioners seeking for the inclusion of qualification of M.sc.,Degree in Wild Life Biology, which is not supported by any other rules in force. Thus, this Court is of the opinion that the writ petitioners have not established any legal right so, as to consider the relief as such sought for in these writ petitions.

6.Accordingly, the writ petitions are stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

To

- 1.The Secretary,
The State of Tamil Nadu,
Forest Department,
Fort St. George, Madras.
- 2.The Principal Chief Conservator of Forest,
Chennai-15.
- 3.The Secretary,
Tamilnadu Public Service Commission,
No.1 Greaves Road,
Chennai-6.

+1cc to Mr.M.Ravendran, Advocate SR.No.85617
+3cc's to Mr.R.Meenal, Advocate SR.No.85742

सत्यमेव जयते

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NRI (CO)
GN(09/01/2018)

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