



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.17394 of 2017

and

W.M.P.(MD)No.13908 of 2017

M.Jayaraj : Petitioner  
Vs.

1.The Principal Chief Conservator of Forests,  
No.1, Panagal Building,  
Saidapet, Chennai - 600 015.

2.The Conservator of Forests,  
Dindigul Circle,  
Dindigul.

3.The District Forest Officer,  
Kodaikanal Forest Division,  
Kodaikanal, Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 11.08.2016, along with the recommendation proposal submitted by the third respondent in Na.Ka.No.4005/2014/Pa3 dated 17.04.2017 and the same was forwarded by the second respondent in Na.Ka.No.7265/15 Pa 1 dated 19.04.2017 by taking into account of the orders passed in the identical issue by the first respondent in Proc.No.AB1/10402/2016 dated 12.07.2017 within the stipulated time may be fixed by this Hon'ble Court and promote the petitioner to the post of Forester by recruitment by transfer.

For Petitioner : Mr.K.Chellapandian, Senior Counsel  
for Mr.M.Saravanakumar

For Respondents : Mr.K.Guru  
Additional Government Pleader

O R D E R

By the consent of both sides, the writ petition itself is taken for final disposal.

2.The petitioner who was appointed as Junior Assistant on 12.06.2000 in the Forest Department, after regularization of his service with effect from his initial appointment, was promoted as Assistant on 30.06.2011. It is the claim of the petitioner that he is fully eligible for

promotion to the post of Forester, by way of recruitment / transfer on the crucial date i.e., 15.08.2009.

3.However, the petitioner was denied the same in the light of G.O.(Ms).No.107, Personnel and Administrative Reforms Department, dated 18.08.2009, wherein, it has been stated that Open University degrees are not valid. Subsequently, this Court in the case of C.Dharuman and others Vs. Government of Tamil Nadu reported in 2015 Writ L.R.67, has held that the Open University degrees are also valid for consideration for promotion. Therefore, the learned counsel for the petitioner pleaded that the petitioner's case may be considered.

4.Mr.K.Guru, learned Additional Government Pleader, who takes notice for the respondents seeks time to consider the representation of the petitioner.

5.Considering the limited scope of the prayer sought for by the petitioner, this Court, hereby directs the first respondent to consider the representation of the petitioner dated 11.08.2016, on merits within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Chief Conservator of Forests,  
No.1, Panagal Building,  
Saidapet, Chennai - 600 015.
- 2.The Conservator of Forests,  
Dindigul Circle, Dindigul.
- 3.The District Forest Officer,  
Kodaikanal Forest Division,  
Kodaikanal, Dindigul District.

+1cc to M/S.M.Saravanakumar, Advocate SR.No. 79237

+1cc to Special Government Pleader, SR.No. 79590

W.P. (MD) No.17394 of 2017

18.09.2017