

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.1.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1358 of 2017
and
C.M.P.No.18753 of 2017

K.Ramesh

Appellant

Versus

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai 600 009.
 2. The Principal Chief Conservator
of Forest,
Panagal Building, Saidapet,
Chennai 600 015.
- Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.3.2016 passed in W.P.No.10786 of 2016 Writ petition filed under Art 226 of Constitution of India Praying the issue a writ of Mandamus to direct the respondent to appoint the petitioner as Forester by transfer of service from the ministerial cadre for the year 2003-2004 and fix his seniority above his juniors and with all consequential service and monetary benefits and pass such other orders.

For appellant : Ms.Selvi George
For respondents : Mr.M.Santhanaraman, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge dismissing the writ petition which sought for a direction to the respondents to appoint him as Forester by transfer of

service from the Ministerial Service.

3. The prescribed minimum educational qualification is said to be a Bachelors Degree as per Rule 5 of the Tamil Nadu Forest Subordinate Services, whereas the appellant/writ petitioner appears to have got his post graduation degree in M.A. through open university system, without completing the Higher Secondary Education and would contend that he is entitled to promotion by way of transfer of service. The post for which the appellant seeks the relief is one which would require some knowledge and abilities and the reason behind such prescription of qualification as Bachelors Degree cannot be ignored. The appellant, without even completing the Higher Secondary education, just because he has got his post graduation degree in M.A. through Open University System cannot equate the same with the prescribed minimum qualification which would be obtained through a regular system of education. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge.

4. In the result, the writ appeal fails and the same is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-ix)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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

2. The Principal Chief Conservator
of Forest,
Panagal Building, Saidapet,
Chennai 600 015.

+1cc to the Government Pleader, S.R.No.597
+1cc to Mr.SELVIGEORGE, Advocate, S.R.No. 639

W.A.No.1358 of 2017

KJI (CO)
TR(30/01/2018)