

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1802 of 2018  
and  
C.M.P.No.14552 of 2018

1. Government of Tamil Nadu,  
rep. by its Secretary,  
Environment and Forest Department,  
Fort St.George,  
Chennai - 600 009.
  2. The Principal Chief Conservator of Forests,  
Panagal Building, Saidapet,  
Chennai - 600 015.
  3. The District Forest Officer,  
Tirunelveli,  
Tirunelveli District.
- .... Appellants /Respondents
- Vs
- K.Murugan .... Respondent/Petitioner

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 17.09.2014 made in W.P.No.25271 of 2014.

WP.No.25271 of 2014 : Directing the Respondents to appoint the Petitioner in the cadre Post of Forest Watcher by giving relaxation with respect to height by extending the benefit of G.O.(2D) Ms. No.56 Environment and Forest Department dated 06.04.2006 on the basis of the order dated 04.12.2012 passed by this Court in WP.No.6327 of 2005 with all service and monetary benefits within a time limit.

For Appellants : Mr.G.Thangavadhana Balakrishnan  
Assistant Government Pleader (Forest )

For Respondent : No appearance

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The learned single Judge notwithstanding with the Rule

position that the candidate for appointment to the post of Forest Watcher should possess the height of 163 cms, directed the appellants to appoint the respondent notwithstanding the fact that he failed to qualify the eligibility criteria. The said order is under challenge at the instance of the State.

2. We have already taken a decision in the connected writ appeals which arose from the very same common order that it would not be within the proviso of the Court to direct the appointment notwithstanding that the candidate failed to adhere to the eligibility criteria. The height being one among the eligible criteria prescribed for appointment to the post of Forest Watcher, the learned single Judge was not correct in directing the appellants to appoint the respondent.

3. This Court, by judgment dated 16.07.2018 in W.A.No.1578/2014 etc. batch, considered this issue in extenso and allowed the appeals filed by the Government.

4. The intra court appeal is allowed by setting aside the order passed by the learned single Judge. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsi

TO

1. Government of Tamil Nadu,  
The Secretary,  
Environment and Forest Department,  
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,  
Panagal Building, Saidapet,  
Chennai - 600 015.
3. The District Forest Officer,  
Tirunelveli,  
Tirunelveli District.

+1cc to the Government Pleader, S.R.No. 62039

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VBA(CO)  
GN(21/08/2019)