



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23925 of 2019

J.Rajesh

... Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by Principal Secretary to
Government, Environment and Forests,
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
(Head of the Forest Department),
Chennai - 600 015.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and claim of the petitioner for selection and appointment as Forester by transfer of service and for inclusion of his name in the panel for 2008-2009, pursuant to the satisfactory completion of Physical fitness Test, Walking Test, Certificate Verification in the year 2009 in the light of his representation dated 05.09.2018 and 05.04.2012 to the respondents and to promote him with retrospective effect from the date of promotion of his immediate junior with all consequential benefits except monetary benefits.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to consider the claim of the petitioner for selection and appointment as Forester by transfer of service and for inclusion of his name in the panel for 2008-2009, pursuant to the satisfactory completion of physical fitness test, walking test,



Certificate verification in the year 2009 in the light of his representations dated 05.09.2018 and 05.04.2012 to the respondents and to promote him with retrospective effect from the date of promotion of his immediate junior with all consequential benefits except monetary benefits.

2. Heard the arguments advanced on either side.

3. The case of the petitioner is that the petitioner joined the services of the Forest Department on 15.02.1996 and was promoted as Assistant with effect from 12.12.2014. After passing S.S.L.C. in April, 1994, the petitioner studied M.A. (Sociology) through Open University System in Annamalai University.

4. It is the further case of the petitioner that the Government issued G.O.Ms.No.116, P & AR (M) Department, dated 18.08.2010 to the effect that those who possess a P.G. Degree through open University system without obtaining a basic degree cannot be considered as possessing a P.G. Degree for appointment to public service. Thereafter, the Government issued G.O.Ms.No.65, P & AR (s) Department, dated 02.07.2014 and amendment was made in the Tamil Nadu State and Subordinate Service Rules and the said amendment was given retrospective effect from 18.08.2009.

5. It is the further case of the petitioner that as per the above amendment, the petitioner is fully eligible and qualified for promotion as Forester by transfer from the Tamil Nadu Ministerial Service for the year 2008-2009. He has successfully completed the walking test and was also called for Certificate verification on 06.11.2009 and was eagerly waiting for the order of appointment as Forester, however, no order of appointment as Forester was issued to him.

6. It is the further case of the petitioner that similarly placed persons like him were selected and they have also joined as Forester with effect from 17.07.2017. In this regard, the petitioner made representations dated 05.09.2018 and 05.04.2012 to the second respondent and since the same have not yet been considered, has come forward with this writ petition.

7. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the second respondent to consider the petitioner's representations dated 05.09.2018 and 05.04.2012 and to pass appropriate orders, within a stipulated time frame.



8.Considering the limited request made by the learned counsel appearing for the petitioner, I am inclined to issue direction to the second respondent to consider the petitioner's representations dated 05.09.2018 and 05.04.2012, on merits and in accordance with law and pass appropriate orders, as expeditiously as possible.

9.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to
Government, Environment and Forests,
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
(Head of the Forest Department),
Chennai - 600 015.

+1cc to Spl Government Pleader (Forest), SR.97791

W.P.No.23925 of 2019

VGII(CO)
CB(19/12/2019)