

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.7919 of 2019**

C.Samuel Manoharan

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Head of the Department,
Panagal Maaligai,
Saidapet, Chennai - 600 015.

2.The District Forest Officer and Wildlife Warden,
Kodaikanal Division,
Kodaikanal Wildlife Sanctuary,
Kodaikanal - 624 101,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to promote the petitioner to the post of Forester in consideration of his application, dated 26.10.2018.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader.**ORDER**

This writ petition has been filed seeking to direct the first respondent to promote the petitioner to the post of Forester by considering his application, dated 26.10.2018.

2.Heard the learned counsel appearing for the petitioner and Mrs.J.Padmavathy Devi, learned Special Government Pleader, who takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he was appointed as Junior Assistant in the Tamil Nadu Ministerial Service in the Forest Department and subsequently, promoted as Assistant. As per the Tamil Nadu Forest Subordinate Service Rules, earlier, the



petitioner submitted a requisition to the first respondent seeking promotion as Forester in the existing backlog vacancies, who in turn, rejected the petitioner's request stating that he has acquired the Bachelors Degree through Open University and exceeded the maximum age limit. However, promotion has been made on relaxation of relevant Rules to four persons, who possessed 10th qualification and M.A Degree. Hence, the petitioner sent another representation, dated 26.10.2018 to the respondents to promote him by relaxing the relevant Rules as done to the abovesaid four persons. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4.The learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner would be considered on merits.

5.In such view of the matter, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 26.10.2018 seeking promotion to the post of Forester, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Chief Conservator of Forests,
Head of the Department,
Panagal Maaligai,
Saidapet, Chennai - 600 015.

2.The District Forest Officer and Wildlife Warden,
Kodaikanal Division,
Kodaikanal Wildlife Sanctuary,
Kodaikanal - 624 101,
Dindigul District.



+1 CC to M/s.SPL GP (SR-58893[F] dated 04/04/2019)

+1 CC to M/s.R.MAHESWARAN, Advocate(SR-58946[F] dated 04/04/2019)

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