



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Rev.Appl.No.45 of 2020 in WP.No.25877 of 2019
and
Rev.Appl.No.46 of 2020 in WP.No.28182 of 2019
and WMP.Nos.6506 & 6513 of 2020

- 1.S.Jeevana
- 2.K.Anandan
- 3.L.Kalavathi
- 4.S.Raja Shakul Hameed
- 5.R.Mani Bharathi
- 6.P.Ayyasamy
- 7.A.Mathumathi
- 8.K.T.Dharani
- 9.K.Renugadevi

... Applicant
(in both review application)

Versus

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Personnel and Administrative Reforms (S) Department,
Fort St.George,
Chennai - 600 009.

- 2.The Tamil Nadu Public Service Commission,
Rep.by the Secretary,
TNPSC Road, V.O.C Nagar,
Part Town, Chennai - 600 003.

... Respondents
(in Rev.Appl.No.45 of 2020)

And

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Personnel and Administrative Reforms (S) Department,
Fort St.George, Chennai - 600 009.

- 2.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Forest Department,
Fort St.George, Chennai - 600 009.

- 3.The Tamil Nadu Public Service Commission,
Rep.by the Secretary,
TNPSC Road, V.O.C Nagar,
Part Town, Chennai - 600 003.

... Respondents
(in Rev.Appl.No.46 of 2020)

<https://hcservices.ecourts.gov.in/hcservices/>

Prayer in Rev.Appl.No.45 of 2020: Review Petition filed under Order XLVII and Rule 1 of CPC., read with under Section 114 of



Civil Procedure Code, to review the order dated 21.02.2019 in WP.No.25877 of 2019, passed by this Court.

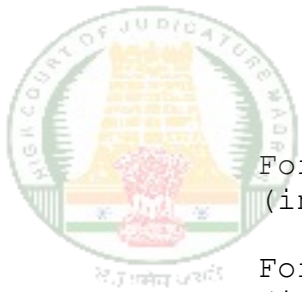
PRAYER in W.P.No.25877 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Provisional Selection List dated 20.08.2019 published by the 2nd respondent comprising of 148 candidates selected for the post of Forest Apprentice pursuant to Notification No.12 of 2018 dated 04.07.2018 and quash the same insofar as the said provisional selection list comprise of 29 non Tamil medium (Non-PSTM) candidates in lieu of 29 PSTM (Persons studied in Tamil Medium) candidates in violation of Act 40 of 2010 and consequently direct the 2nd respondent to select the petitioners for the post of Forest Apprentice against the 20% reservation of vacancies on preferential allotment to Persons Studies in Tamil Medium (PSTM) as per Clause 12B of the Notification No.12/2018, dated 04.07.2018 as per the Distribution of vacancies following the rule of reservation applicable to the recruitment of Forest Apprentice as set out in Clause 2 of the Notification No.12 of 2018, dated 04.07.2018.

Prayer in Rev.Appl.No.46 of 2020: Review Petition filed under Order XLVII and Rule 1 of CPC., read with under Section 114 of Civil Procedure Code, to review the order dated 21.02.2019 in WP.No.28182 of 2019, passed by this Court.

PRAYER in W.P.No.28182 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Notification No.12 of 2018 dated 04.07.2018 issued by the 3rd respondent and quash the same insofar as column 3 in Clause B of the Notification No.12 of 2018 dealing with Educational Qualification in Notification No.12 of 2018 dated 04.07.2018 enables the 3rd respondent contrary to the policy of the State Government in Act 40 of 2010 to give preference to candidates who have studied Bachelor's degree in Forestry or its equivalent degree of any institution or University recognized by UGC in non Tamil Medium over the candidates who have studied Bachelors degree in any one of the other subjects specified in column 2 in Clause B of the Notification No.12 of 2018 dealing with Educational Qualification in Notification No.12 of 2018 dated 04.07.2018 in Tamil Medium for direct recruitment even for the 20% of the vacancies in the post of Forest Apprentice when the said 20% of the vacancies should be allotted to candidates who have studies the prescribed subject in Tamil Medium on preferential basis as per the policy of the State Government in Act 40 of 2010.

For Petitioners: Mrs.Nalini Chidambaram, Senior Counsel,
(in both cases) for Ms. C. Uma

For R1 : Mr.S.N.Parthasarathi,
(in both cases) Additional Government Pleader.



For R2 : Mr.S.Prabhu,
(in Rev.46/2020) Additional Government Pleader.

For R2 : Mr.M.Loganathan, Standing Counsel
(in Rev.45/2020) &

For R3 (in Rev.46/2020)

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ORDER

These review applications have been filed seeking to review the order passed by this Court in Writ petition Nos.25877 & 28182 of 2019, dated 21.02.2020.

2.The main ground that has been raised by the learned Senior Counsel appearing on behalf of the petitioners is that the Notification dated 04.07.2018 itself was based on the earlier Government Order that was passed in G.O.Ms.No.42, Environment and Forests (FR.2) Department, dated 29.02.2016.

3.The learned Senior Counsel appearing for the petitioners brought to the notice of this Court that the language used in the Government Order in G.O. Ms. No.145 dated 30.09.2010 is "preferential basis". While so, in the Notification of the TNPSC, with a view to mis-lead the candidates, TNPSC has used the words 'absolute preference', in Clause 10.

4.The learned Senior Counsel further submitted that the TNPSC was fully aware of the fact that 20% reservation will have to be given to the candidates falling under the PSTM category and even in the Notification, it has been specifically stated that 20% reservation of the vacancies will be given on preferential allotment to the persons, who studied in Tamil medium. The first respondent did not take any stand in the writ petition and the counter affidavit was filed, only to the effect that they are unnecessary party in the present Writ petitions. The learned Senior Counsel, therefore submitted that the order passed by this Court will have to be reviewed.

6.This Court has carefully considered the submissions of the learned Senior Counsel appearing on behalf of the petitioners. This Court does not find any error apparent on the face of the order and this Court, after applying its mind to the relevant clauses that were available in the Notification, has passed the order. This Court does not find any ground to review the order dated 21.02.2020 passed by this Court. Accordingly, the Review Applications are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writ)

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Personnel and Administrative Reforms (S) Department,
Fort St.George, Chennai - 600 009.
- 2.The Secretary to Government,
State of Tamil Nadu,
Forest Department,
Fort St.George, Chennai - 600 009.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C Nagar,
Part Town, Chennai - 600 003.

+lcc to the Government Pleader, S.R.No. 20250

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and
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PPA(CO)
GN(16/07/2020)