

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10182 of 2013

And

M.P.No.1 of 2013

B.Sivakumar
S/o.Balarama

...Petitioner

Vs.

1.The Principal Chief Conservator of
Forests, Head of Forest Force,
Panagal Building,
Chennai.

2.The Tamil Nadu Public Service Commission
No.1, Greams Road,
Commercial Tax Avenue,
Chennai - 600 006
represented by its Secretary

3.The Principal Chief Conservator of
Forests and Director of
Arignar Anna Zoological Park
Vandalur, Chennai - 600 048.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in No.4694/APTB2/12 dated 12.11.2012 and quash the same as null and void and consequentially direct the respondent to allow the petitioner for the oral test to be conducted for the post of Forest Apprentice in the Tamil Nadu Forest Subordinate Service included in Group VI Service for the year 2006-2007, 2007-2008 and 2008-2009.

For Petitioner : Mr.P.Ayyaswamy

For Respondents : Mr.S.Prabhu for R1 and R3
Additional Government Pleader
Mr.M.N.Balamuralikrishnan for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in No.4694/APTB2/12 dated 12.11.2012 and to quash the same as null and void and to consequentially direct the respondent to allow the petitioner for the oral test to be conducted for the post of Forest Apprentice in the Tamil Nadu Forest Subordinate Service included in Group VI Services for the year 2006-2007, 2007-2008 and 2008-2009.

2.The case of the petitioner is that the petitioner is a Science Graduate and studied in Tamil Medium and he belong to M.B.C. The second respondent issued a Notification/ Advertisement No.254 inviting applications for direct recruitment to the post of Forest Apprentice in Tamil Nadu Forest Subordinate Service included in Group VI Services for the year 2006-2007, 2007-2008 and 2008-2009 for 79 vacancies + SC/ST carried forward vacancies of the said post.

3.It is the further case of the petitioner that the petitioner applied for the same and also wrote the written examination. The petitioner was successful. Thereafter, he was called by the second respondent to appear for the physical qualification and walking test and the petitioner attended and he was also found fit. However, the petitioner was not called for oral interview. The petitioner in this regard made representation to the respondents. In response to the same, the second respondent issued the impugned order. Aggrieved by the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner has studied in Tamil Medium and he was also successful in the written test, physical qualification and walking test. However, he was not called for oral interview, for which, in the impugned order it is stated that he has not annexed any evidence in support of his claim under PSTM. He would further submit that the educational qualification Certificates of the petitioner would disclose that he had studied in Tamil and hence, there is no need to annex any separate evidence to show that he had studied in Tamil Medium.

5.Per contra, the learned counsel appearing for the second respondent would submit that the last candidate admitted for oral test in the petitioner's communal category has obtained 609.00 marks, whereas, the petitioner has obtained 576 marks in the main written examination. He would further submit that it is mandatory to enclose relevant evidence in support of the claim under PSTM, whereas, the petitioner has not enclosed any such evidence. Hence, the petitioner was not called for oral

interview.

6.Since the petitioner has not enclosed any evidence in support of his claim under PSTM and since he has obtained only 576 marks in the main written examination, whereas, the last candidate admitted for oral test in the petitioner's communal category has obtained 609.00 marks, this Court is not inclined to interfere with the impugned order.

7.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

s/d

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Principal Chief Conservator of Forests, Head of Forest Force, Panagal Building, Chennai.
- 2.The Tamil Nadu Public Service Commission No.1, Greams Road, Commercial Tax Avenue, Chennai - 600 006 represented by its Secretary
- 3.The Principal Chief Conservator of Forests and Director of Arignar Anna Zoological Park Vandalur, Chennai - 600 048.

+cc to Mr.P.Ayyaswamy, Advocate, SR.No.28520

+cc to The Government Pleader, SR.No.28365

W.P.No.10182 of 2013

And

M.P.No.1 of 2013

PP(CO)
RN(27/11/2020)