

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2020

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THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.15608 of 2020

&

W.M.P.Nos.19462 & 19705 of 2020

M.E.Karthi

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu, Public Service Commission,
TNPSC Road,
Park Town, Chennai-3.

2. The Principal Chief Conservator of Forests (PCCF),
Forest Development,
Panagal Buildings, Saidapet,
Chennai-600 015.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent made in proceedings No.4069/OTD-D3/2012 dated 12.03.2020 to quash the same and to consequently direct the respondents to forthwith appoint the petitioner in any one of the existing vacancy of Forest Apprentice (Post Code No.1652) under PSTM category pursuant to the Notification No.12/2018 dated 0407.2018.

For Petitioner : Mr.L.Chandrakumar

For RespondentR2 : Mr.Elumalai, AGP

R1 :MR.S.V.Vijayaprāsath SPL GP

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed with the following prayer:

" To issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent made in proceedings No.4069/OTD-D3/2012 dated 12.03.2020, quash the same and to consequently direct the respondents to forthwith appoint the petitioner in any one of the existing vacancies of

Forest Apprentice (Post Code No.1652) under PSTM category pursuant to the Notification No.12/2018 dated 04.07.2018."

3. The petitioner herein is a Graduate in B.Sc. (Physics) (Tamil Medium). Pursuant to the Notification dated 04.07.2018, he applied for the post of Forest Apprentice. After the selection process, the respondent/Tamil Nadu Public Service Commission, by proceedings dated 20.08.2019 issued provisional list of selected candidates, wherein, the petitioner's name was not found. The grievance of the petitioner is that he belongs to MBC category and studied through Tamil Medium and therefore, he is entitled for reservation under PSTM category for which 11 posts were earmarked, however, the petitioner was not selected under the quota of PSTM.

4. When the matter is taken up for hearing, Mr.L.Chandra Kumar, learned counsel appearing for the petitioner would fairly submit that similar Writ Petitions in W.P.Nos..25877 & 28182 of 2019 and 3695 of 2020 came to be dismissed by a learned single Judge of this Court, vide order dated 21.02.2020, having observed as under in paragraphs 16 to 19:

"16. In the present case, the 2nd respondent in W.P.No.25877 of 2019 had called for applications to fill up the post of Forest Apprentice. The educational qualification that was prescribed under the Notification falls under two heads. The first category is those who possess bachelor's degree in Forestry and in the absence of the suitable candidates under this category, the 2nd category of candidates falling under Clause (b) will be considered. It must be borne in mind that the post in question, requires a specialized knowledge in dealing with the functions assigned to the said post. That is the reason why an absolute preference is given to the candidates who possess a bachelor's degree in Forestry. Candidates falling under this category do not have any other option except to participate in the selection to the post of this nature. In other words, there is a direct nexus between the qualification and the post that is sought to be filled up by the 2nd respondent in W.P.No.25877 of 2019. It is an admitted case that there is no Tamil medium in bachelor's degree in Forestry. A careful reading of Clause 6(B) and Clause 10 of the Notification reveals the fact that the candidates falling under category (b) were only kept as a stand by if in case suitable candidates are not available in category (a). In other words, the candidates falling under (b) will not come within the zone of consideration, if the 2nd respondent in W.P.No.25877 of 2019 is able to fill up all the vacancies with the candidates falling

under category (a).

17.The reservation under PSTM category will apply in this case only when candidates are considered under category (b) and that situation has not arisen in the present case.

18.This Court is not in agreement with the submission of the learned Senior Counsel to the effect that 20% PSTM category must be read into the term 'Suitable Candidates' and thereby the non-availability of candidates under this category in Clause 2(a), must be filled with the candidates falling under Clause (b) who possess the other qualifications and who have completed the same in Tamil medium. If such an interpretation is given to the relevant Clauses in the Notification, it will go against the plain language that is used in the Notification. This Court cannot read something into the Notification which will cause violence to the plain language used in the Notification. A Notification cannot be interpreted by a Court like a statute and the Court is bound to understand the same from the plain meaning that is conveyed in the Notification.

19.It must also be borne in mind that the candidates falling under Clause (b) will have other avenues to participate in various other selections in view of their qualifications. However, the candidates falling under Clause (a), in view of their specialized qualification, do not have any other avenue except to participate in the selection to the post of Forest Apprentice. That is the reason why the Notification categorically states that absolute preference will be given to those candidates. Therefore, both from the angle of the candidates and the post concerned, this Court is fully satisfied that the stipulation made in the Notification is reasonable and does not call for any interference.

19.In view of the above discussion, this Court does not find any ground to interfere with the selection process adopted by the 2nd respondent in W.P.No.25877 of 2019 and consequently all the writ petitions are dismissed. Connected miscellaneous petitions are closed. No Costs."

5. As against the above said order, a Review Application in Rev.Appl.No.45 of 2020 has been filed and the same also came to be dismissed by this Court on 05.03.2020. Against the above order of the learned single Judge, Writ Appeals in W.A.Nos.402

and 403 of 2020 have been preferred and the First Bench of this Court, vide judgment dated 25.09.2020, dismissed the said Writ Appeals, confirming the order of the learned single Judge.

6. In view of the above, the present Writ Petition is also liable to be dismissed and accordingly, the same is dismissed. No costs. Consequently, connected WMPs are closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Tamil Nadu, Public Service Commission,
TNPSC Road,
Park Town, Chennai-3.

2. The Principal Chief Conservator of Forests (PCCF),
Forest Development,
Panagal Buildings, Saidapet,
Chennai-600 015.

+1cc to Mr.L.Chandrakumar , Advocate SR.No. 37924

A.SK(10.03.2021)

W.P.No.15608 of 2020

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