



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.422 of 2020

and

W.M.P. (MD) Nos.329 and 330 of 2019

A.Chandran

... Petitioner

/vs./

1.The Principal Chief Conservator of Forest,
(Head of the Department)
Panagal Maligai, Saidapet, Chennai-600 015.

2.The District Forest Officer,
Thoothukudi District, Thoothukudi.

3.The Forest Ranger,
Srivaikuntam Range,
Muruganpuram, Srivaikuntam Taluk,
Thoothukudi District.

4.The Chairman,
Tamilnadu Uniformed Services Selection Commission,
Panagal Maligai, Saidapet, Chennai-600 015. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to consider the candidature of the petitioner for appointment in the post of Forest Watcher by permitting the petitioner to attend the Certificate verification in pursuant to the proceedings of the fourth respondent in Na.Ka.No.LL2/14564/2014 dated 24.12.2019.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

It is the case of the petitioner that from 01.04.2005 onwards, he had been engaged as an Anti Poaching Watcher by the respondent Forest Department. By proceedings dated 09.10.2019, the district level seniority list was published for the purpose of absorption as



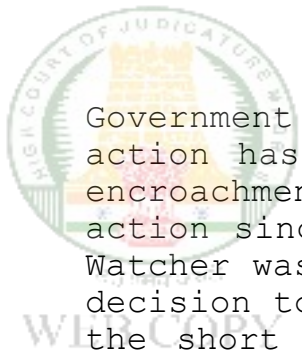
Forest Watcher in which the petitioner's name was included under Serial No.190. Subsequently, by the proceedings dated 24.12.2019, the petitioner's name was included in Serial No.127 under the short list candidates for the purpose of certificate verification. Thereafter, since there was no effective progress for the certificate verification, insofar as the petitioner herein is concerned, the present writ petition has been filed.

2.The learned counsel for the petitioner would submit that in view of the inclusion of his name in the list of eligible candidates for absorption to the post of Forest Watcher, he would be entitled to be considered for certificate verification and the consequent appointment.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner is involved in encroachment of water body/conservancy area as well as illegal possession of temple land and with effect from 01.07.2019 the petitioner had stopped attending his duties and had involved himself in threatening activities and therefore, he is not entitled to be considered for appointment.

4.It is not in dispute that when the original seniority list was published on 09.10.2019, the petitioner's name included therein under serial No.190. Thereafter when the seniority list was short-listed for the certificate verification, the petitioner's name was also shown under serial No.127. The list dated 09.10.2019 had identified the candidature of Forest Watcher as on 01.01.2019. As such, the petitioner's name had been rightly included in the seniority list, as well as in the subsequent short list of candidates for certificate verification. The stand taken by the respondents in the counter affidavit that the petitioner had stopped attending duties from 01.07.2019 cannot be a proper stand, since the consideration for absorption was as on 01.01.2019. Even assuming that the petitioner had stopped attending duties from 01.07.2019, this Court is unable to apprehend as to how the candidature was considered in the subsequent proceedings of the fourth respondent dated 24.12.2019, wherein his name was short-listed under serial No.127 for the purpose of certificate verification. In view of the same, the stand taken by the respondents that he had stopped attending duties from 01.07.2019, cannot be sustained.

5.Insofar as the submission of the learned Special Government Pleader that he had encroached the water body/conservancy area as well as illegal possession of the temple land are concerned, it is seen that there was a civil suit pending in O.S.No.79 of 2019 before the learned District Munisif, Srivaikundam, insofar as the possession of temple land is concerned. As far as the encroachment of the forest land is concerned, it is not in dispute that no action has been initiated by the respondents against the petitioner, to



Government Pleader would however submit, on oral instructions, that action has been initiated by the revenue authority as against the encroachment. Nevertheless that would be a separate cause of action since the consideration for absorption to the post of Forest Watcher was as on 01.01.2019 and the respondents had already taken a decision to include him in the original seniority list as well as in the short listed candidates in the subsequent list of certificate verification, the reason assigned in the counter affidavit cannot be sustained. While that being so, the petitioner would be entitled for further consideration in the selection process.

6. In the light of the above observations, there shall be a direction to the first respondent to continue with the selection process on the petitioner's candidature for appointment to the post of Forest Watcher, by permitting to attend the certificate verification, atleast within a period of one week from the date of receipt of a copy of this order. It is made clear that the further selection process shall be in accordance with all other necessary requirements and qualification as per the respondents regulations. This Writ Petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

To:-

1. The Principal Chief Conservator of Forest,
(Head of the Department)
Panagal Maligai,
Saidapet, Chennai-600 015.
2. The District Forest Officer,
Thoothukudi District,
Thoothukudi.
3. The Forest Ranger,
Srivaikuntam Range,
Muruganpura, Srivaikuntam Taluk,
Thoothukudi District.



4.The Chairman,
Tamilnadu Uniformed Services Selection Commission,
Panagal Maligai,
Saidapet, Chennai-600 015.

+1 CC to M/s.SPL.GP (SR-2140[F] dated 21/01/2020)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-2099[F] dated
21/01/2020)

Order made in
W.P. (MD) No.422 of 2020
and
W.M.P. (MD) Nos.329 and 330 of 2019
Dated: 20.01.2020

JMN(22.01.2020) 4P : 7C