



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.17837 of 2020

and

W.M.P(MD) Nos.14876, 14877 and 15493 of 2020

WEB COPY

G.Pandiyarajan

... Petitioner

Vs.

1.The Chairman,

Tamil Nadu Forest Uniformed Service
Recruitment Committee,
No.1, Jeeni's Road,
Panagal Maligai, 8th Down Floor,
Saidapet,
Chennai-600 015.

2.The Member Secretary,

Tamil Nadu Forest Uniformed Service
Recruitment Committee,
No.1, Jeeni's Road,
Panagal Maligai, 8th Down Floor,
Saidapet,
Chennai-600 015.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned notification published by the first respondent dated 21.10.2020 and consequently, the impugned notification published by the second respondent dated 24.11.2020 relating to the Advertisement No.2/2019 dated 30.11.2019 (Direct Recruitment for the posts of Forest Guard and Forest Guard with Driving Licence) and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Ms.R.Shunmathi Priya

For Respondents : Mr.Sricharan Rangarajan
Additional Advocate General
for Mr.K.P.Narayanakumar,
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned notification published by the first respondent dated 21.10.2020 and the impugned notification published by the second respondent dated 24.11.2020 relating to the Advertisement No.2/2019 dated 30.11.2019



(Direct Recruitment for the posts of Forest Guard and Forest Guard with Driving Licence) and to quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

2.The learned counsel appearing for the petitioner would submit that the second respondent had issued a notification, dated 30.11.2019 inviting applications from the eligible candidates for the post of Forest Guard and Forest Guard with Driving license to fill up the vacancies at about 227 posts of Forest Guard and 93 posts of Forest Guard with Driving License. Subsequently, the same was revised with the carried forward vacancies which totally falls around 406 vacancies. After verifying the entire notification dated 30.11.2019, the petitioner applied for the post of Forest Guard on 31.01.2020. On 04.02.2020, the second respondent published the schedule for pre-examination and online examination activities for the said post. As per the schedule, the date of examination was fixed on 07.03.2020 and 08.03.2020. Subsequently, on 21.02.2020, the second respondent issued a notification stating the date of examination as 08.03.2020 and the exam will be conducted in three batches.

3.The learned counsel appearing for the petitioner would further submit that after conducting the examination on 12.03.2020, the first respondent has issued tentative dates for the post examination activities. On 23.03.2020, the respondents issued a notification deferring the post examination activities, due to COVID-19. Again the post examination activities was deferred on 09.09.2020 by the respondents. Thereafter, the first respondent issued a notification dated 03.10.2020 stating that the candidates are invited to challenge the questions and answers for the examination conducted on 08.03.2020. She would further submit that the respondents conducted the examination in three batches on 08.03.2020 and subsequently, the post examination activities was issued from time to time and the same has deferred due to COVI-19. In these circumstances, the respondents vide notification, dated 21.10.2020 issued final answer keys, as if the examination was conducted on 08.03.2020 and 16.03.2020 in four batches. Till this notification, there was no details with regard to the examination conducted in fourth batch on 16.03.2020. All of a sudden, fourth batch was included for the reason best known to the respondents.

4.The main contention of the petitioner is that the respondents conducted the examination on 08.03.2020 in three batches and the typed set of papers filed by the petitioners would clearly prove that the examination was conducted only in three batches and all of a sudden, the respondents issued the answer key, as if a there was a fourth batch. Therefore, the learned counsel submits that no examination was conducted on 16.03.2020 and the fourth batch of candidates were included illegally.



5. In these circumstances, on 24.11.2020, the respondents published a provisional list of short-listed candidates for certificate verification/physical verification list. When the name of the short listed candidates were released, the petitioner's name does not appear. At present, the candidates were called for certificate verification/physical verification list from 05.12.2020 to 07.12.2020. There is a chance for malpractice in conducting the examination for the fourth batch and due to the said reason, the petitioner's name was not called for certificate verification. As per the answer key released by the respondents, the petitioner got 127 marks out of 150 marks. She would further submit that in the communications dated 12.03.2020, 23.03.2020, 09.09.2020 and 03.10.2020, no date has been mentioned about the examination held by the respondents on 16.03.2020. However, on 03.10.2020, the respondents specifically mentioned the date of examination as 08.03.2020. Therefore, she submitted that no examination was conducted on 16.03.2020. The impugned notification of the first respondent dated 21.10.2020 and consequent impugned notification of the second respondent dated 24.11.2020 are liable to be quashed.

6. Per contra, the learned Additional Advocate General appearing for the respondents would submit that the examination was conducted in three batches on 08.03.2020. However, during the conduct of examination of the third batch, the examination process was interrupted due to unforeseen technical failure in Veerammal Engineering College, Dindigul, because of which, five candidates who appeared for examination at the centre could not complete the examination and submit their response. Since the five candidates computer connection with the local server was disrupted, therefore, they could not complete the examination on 08.03.2020. Hence, it was decided by the TNFUSRC that an opportunity should be given to those five candidates who could not complete their examination not due to the fault of theirs. Accordingly, the committee had conducted re-examination (online mode) for the following five candidates on 16th march 2020 at Solaimalai College of Engineering, Madurai as Batch IV:-

Sl. No	Registration No	Name of the Candidate
1	20020019662	K.Jegathis Kumar
2	20020018832	A.Jenifer Raja
3	20020019192	S.Juliet Mary
4	20020019712	C.Krishna Pandian
5	20020017635	A.Gnanakumar



7.The learned Additional Advocate General contended that no fourth batch was conducted for any of the new candidates. It was only for five candidates, who appeared for the examination on 08.03.2020. The examination conducted on 16.03.2020 is nothing but a continuation of the examination conducted on 08.03.2020 only. He would further submit that the petitioner has misconstrued as if the new candidates were allowed to participate in the examination on 16.03.2020 and filed the present writ petition challenging the impugned notifications. The committee in its discretion of conducted the reexamination for five candidates, which is in accordance with the spirit of statute. The TNFUSRC has communicated about the re-examination (online mode) for the aforesaid five candidates through SMS and E-Mail and also instructed the District Forest Officer, Madurai, dated 13.03.2020 for making necessary arrangements for smooth and fair conduct of the reexamination and also requested for constituting an independent "Observer Unit" for the purpose. Moreover, the Member Secretary of the Tamil Nadu Forest Uniformed Services Recruitment Committee himself was personally present at the scheduled reexamination venue on 16.03.2020 for ensuring a successful and fair completion of re-examination.

8.Further, he submitted that no new publication was called for this re-examination and no fresh Hall tickets were issued and there is no change in the total number of candidates. The fourth Batch consists of only five candidates who could not complete the online examination process due to technical failure in the third batch on 08.03.2020 and for whom reexamination was conducted on 16.03.2020. Therefore, he contended that there is no error or illegality on the part of the respondents as apprehended by the petitioner. Hence, he prayed for dismissal of the writ Petition.

9.In reply, the learned counsel for the petitioner would submit that the communication issued on 03.10.2020, challenging the question and answer key for the post of Forest Guard and Forest Guard with Driving License, wherein it has been mentioned that the examination was held only on 08.03.2020. Therefore, the learned counsel for the petitioner would submit that there was no examination on 16.03.2020 and expressed her apprehension that without conducting any examination on 16.03.2020, all of a sudden the fourth batch was included at the time of issuing final answer key and thereafter.

10.In reply to the said submission, the learned Additional Advocate General appearing for the respondents would submit that the examination which was conducted on 16.03.2020, is not an independent examination for any new candidates and it was nothing but a continuation of examination of 08.03.2020 and they were permitted to participate in the examination based on the Hall ticket issued for the examination conducted on 08.03.2020. He would further submit

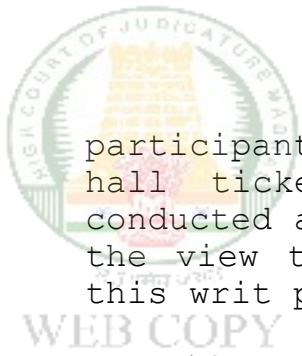


that even in such a case, the aggrieved person will be only the five candidates and they have supposed to file a writ petition for missing the date of examination on 08.03.2020. Even assuming that it may be considered as a typographical error as apprehended by the petitioner, no new candidates have participated in the examination conducted on 16.3.2020 and it was only the old candidates. Therefore, the present writ petition is liable to be dismissed.

11. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents and perused the material available on record.

12. When the matter was taken up for hearing at the time of admission, this Court had a view that the examination was conducted only in three batches on 08.03.2020 and the fact with regard to the technical defect and thereby, postponing the examination for five candidates has not been brought to the knowledge of this Court, while this court passing an order of interim stay upon hearing the petitioner's arguments. However, the respondents filed a vacate stay petition and filed the typed set of documents, thereby brought to the knowledge of this Court that the examination conducted on 16.03.2020 is not a new examination for any new candidates and it is only for the five candidates, those who lost the opportunity to write the examination due to the technical defects on 08.03.2020. With regard to the tentative dates for the post of examination activities issued on 12.03.2020 and two deferred notices issued on 23.03.2020 and 09.09.2020 are concerned, no specific date with regard to the reference to the date of examination has been mentioned. Therefore, the petitioner is not having any grievance on these three notifications. The only concern of the petitioner in the present case is that on 03.10.2020, a notification was issued challenging the question and answer key instructions, wherein, the date of examination was mentioned only as 08.03.2020 but there is no entry with regard to the examination conducted on 16.03.2020. However, in the subsequent notifications, they have mentioned about the examinations conducted on 08.03.2020 and 16.03.2020.

13. This court is of the view that as contended by the learned Additional Advocate General, the date of examination on 16.03.2020 is nothing but continuity of the examination conducted on 08.03.2020 and it was conducted only for five candidates and that candidates particulars were also furnished before this Court and the same is recorded in this order. There may be a typographical error but strictly speaking the examination held on 16.03.2020 is only the continuation of the examination conducted on 08.03.2020. Even assuming that the non mentioning of the examination conducted on 16.03.2020, the aggrieved persons are only five candidates, who had written the examination conducted on 16.03.2020. Further, the total number of participants, who wrote the examination have not been changed by virtue of conducting the examination on 16.03.2020. The



participants in the four batch wrote the examination only with the hall tickets, which were issued to them for the examination conducted as third batch on 08.03.2020. Therefore, this Court is of the view that there is no merit in the present writ petition and this writ petition is liable to be dismissed.

14. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Chairman,
Tamil Nadu Forest Uniformed Service
Recruitment Committee,
No.1, Jeeni's Road,
Panagal Maligai, 8th Down Floor,
Saidapet, Chennai-600 015.

2. The Member Secretary,
Tamil Nadu Forest Uniformed Service
Recruitment Committee,
No.1, Jeeni's Road,
Panagal Maligai, 8th Down Floor,
Saidapet, Chennai-600 015.

+1 CC to M/s R.Shunmathi Priya, Advocate, in SR.No.25894.

+1 CC to Special Government Pleader SR.No.26045.

W.P.[MD]No.17837 of 2020
and

W.M.P(MD) Nos.14876, 14877 and 15493 of 2020

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