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W.P. No. 4873 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4873 of 2022

1. K.Gopal

2. I.Alagarasan

3. R.Palanisamy

... Petitioners

-VS-

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Environment and Forest Department
Fort St. George
Chennai – 9.

2. The Principal Chief Conservator of Forest
Panagal Building
Saidapet, Chennai – 15.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in Proc. No. AB2/ 18140/ 2021-1 dated 21.10.2021 of the Second Respondent and quash the same in so far as it relates to non-selection of the Petitioner alone is concerned with consequential direction to the respondents to declare them as selected and further direct the respondents to promote the petitioners as Forest Guard on par with juniors in that panel and confer all service and monetary benefits in the light



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of the order made in W.P. Nos. 17369 and 17370 of 2012 and P.O. No. Pa2/19/2013 date 17.04.2013 within time frame.

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For Petitioner : Mrs. K.Jenitha

For Respondents : Mr. E.Vijay Anand,
Additional Government Pleader (Forest)

ORDER

Heard Mrs. K.Jenitha, Learned Counsel for the Petitioners and Mr. E.Vijay Anand, Learned Additional Government Pleader (Forest), who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners, who were working as Mali, are aggrieved by their non-selection for promotion to the post of Forest Guard in Proceedings No. AB2/18140/2021-1 dated 21.10.2021 of the Second Respondent. Though the Petitioners have challenged the said order insofar as they are concerned and have sought for consequential direction in the Writ Petition, Learned Counsel for the Petitioners submits that the Petitioners would be satisfied if they are permitted to apply for reconsideration of their claim by the concerned authority and he has made an endorsement to that effect in the court record.



3. In such circumstances, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, disposes the Writ Petition on the following terms:-

- (i) the Petitioners shall submit separate representations for promotion with supporting documents to the concerned authority by 15.04.2022;
- (ii) if such representation is made, the concerned authority shall immediately examine the same;
- (iii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iv) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;



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(v) the report of completion of the aforesaid exercise shall be filed by 31.05.2022 before the Registrar (Judicial) of this Court; and

(vi) there shall be no order as to costs.

07.03.2022

Maya

Index: Yes/No

Note: Issue order copy by 18.03.2022.

To

1. The Secretary to Government
Environment and Forest Department
Fort St. George
Chennai – 9.
2. The Principal Chief Conservator of Forest
Panagal Building
Saidapet, Chennai – 15.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

Maya

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