



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HON'BLE MR.JUSTICE PARESH UPADHYAY
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.A.NO.1271 OF 2022
AND
C.M.P.NO.8008 OF 2022

L.Sivasankar

.. Appellant

Vs.

The Recruitment Committee,
Tamil Nadu Forest Uniformed Service,
9th Floor, Panagal Maligai,
Saidapet, Chennai-600 015.

.. Respondent

Appeal preferred under Clause 15 of Letters Patent against the order dated 07.01.2022 in W.P.No.43220 of 2016.

Prayer in W.P.No.43220 of 2016:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent to select and appoint the petitioner to anyone of the post as mentioned in the Advertisement No.1/2014 dated 22.12.2014 published by the respondent, since the petitioner comes within the zone of consideration.

For Appellant : Ms.Reshmi Christy

For Respondents : Ms.S.Mythreye Chandru,
Special Government Pleader

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 07.01.2022 recorded on W.P.No.43220 of 2016. This appeal is by the unsuccessful writ petitioner.



2. Learned advocate for the appellant / writ petitioner has submitted that the learned single Judge should have granted relief since the writ petitioner had participated in the selection process as a sports person and though the certificate did not mention the term 'outstanding sports person', according to learned advocate, there is no necessity for the said person to be known as an outstanding sports person. The participation in the sports, that too by representing the University should have been treated as sufficient qualification to consider the case of the appellant under the head of 'outstanding sports person' for recruitment as a Forester. It is submitted that this appeal be entertained.

3. Having heard learned advocate for the appellant and having considered the material on record, this Court finds as under:

3.1 The dispute concerns the recruitment on the post of Forester. The Notification in this regard was issued on 22.12.2014, where one of the stipulations was that the reservation would be as per the Tamil Nadu Government Rules and Orders in force.

3.2 The said policy of the State as contained in G.O.Ms.No.132 Environment and Forest (FR 2) Department dated 18.06.2002, is on record, the relevant of which reads as under:

“3.The Government have carefully examined the proposal of the Principal Chief Conservator of Forests and have decided to accept it.

(i) Reservation to the extent of 10% will be made on horizontal basis for outstanding Sports Persons who have represented the State at Senior or Junior Levels during last 3 years or who have represented the Universities or those who have represented the Country in recognized national / International Competition and won top places, in direct recruitment to the following posts in the Forest Department.

- 1.Forester
- 2.Forest Guard
- 3.Forest Watcher
- 4.Driver”

3.3 Based on the above policy of the State, the candidature of the appellant should have been considered by the recruiting agency. Learned single Judge, on the basis of the material, has



found that the case of the writ petitioner could not be accepted as 'outstanding sports person' since there was no material in this regard. The certificates produced by the writ petitioner did not satisfy the requirement of the rule, for granting relief to the writ petitioner. According to us, not granting relief by learned Single Judge in this factual background can not be said to be an error much less any error apparent on face of record, which needs to be corrected in exercise of power under Clause 15 of Letters Patent.

3.4 No relief can be granted to the writ petitioner in this appeal. Accordingly, the appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mmi/12

To

The Recruitment Committee,
Tamil Nadu Forest Uniformed Service,
9th Floor, Panagal Maligai,
Saidapet, Chennai-600 015.

+lcc to M/s.Reshmi Christy, Advocate, S.R.No.32741

W.A.No.1271 of 2022

GPL(CO)
RLP(13/06/2022)