



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

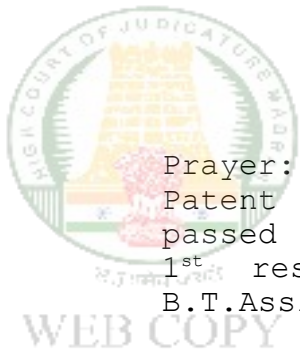
W.A.No.3089 of 2021
and CMP.Nos.21472 & 21417 of 2021

K.Govindaraju ...Appellant/Petitioner

Vs

- 1.The Government of Tamilnadu,
Represented by its
Secretary to the Government,
Department Environment, climate change and Forest Department,
Secretariat,
Chennai - 600 009.
 - 2.The Principal Chief Conservator,
Office of Principal Chief conservator,
Panagal Building,
Saidapet,
Chennai 600 015.
 - 3.The Chief Conservator of forests and field Director,
Office of Chief Conservator of forests and field Director,
Annamalai Tiger Reserve,
Pollachi,
Coimbatore District.
 - 4.The District Forest Officer and Deputy Director,
Anamalai Tiger Reserve,
Pollachi
Coimbatore District.
 - 5.The Head Master
Government Tribal Residential School,
Topslip of Ulandy Range,
Pollachi TK,
Coimbatore District.
- ... Respondents

R-5 impleaded vide order dated 09.02.2022 in CMP.No.1423 of 2022
in WA No.3089/2021



Prayer: Writ appeal is filed under clause 15 of the Letter Patent praying to set aside the order of the learned judge passed in W.P.No. 20261/2021 dated 02.11.2021 and to direct the 1st respondent to permit the petitioner to continue as B.T.Assistant in 4th Respondent.

Prayer in W.P.No. 20261/2021 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records from the 4th respondents proceedings vide impugned Letter Se. Mu. Aa. No. 8479 / 2020 pa dated 17.08.2021 relating to the petitioner was de-promoted from B. T. Assistant to Junior Assistant quash the same and to permit the petitioner to continue as B. T. Assistant in 4th respondent school.

For Appellants : Mr.P. Saravanan
For Respondents : Mr.E.Vijayanand,
Addl. Govt. Pleader (Forest)
for R1 to R4

JUDGMENT

(Judgement of the Court was made by S.VAIDYANATHAN, J.)

The Writ petitioner, who is the appellant herein has come forward with the present appeal to interfere with the order dated 02.11.2021 in W.P.No.20261 of 2021.

2. The learned counsel for the appellant has submitted that he has been reverted from the post of B.T.Assistant to Junior Assistant by an order dated 17.08.2021 on the ground that he had not cleared Teachers Eligibility Test. He further submitted that the appellant was appointed as a B.T.Assistant on 28.04.2014 and though a pass in TET examination is a must for appointment to the post of B.T.Assistant, time has been granted to him to clear the test by prescribing some time limit. The learned single Judge, while considering the said aspect held that the appellant cannot be allowed to continue as a B.T.Assistant, ignoring the fact that his services will be regularised on and from the date of clearing the test.

3. Heard both side.

4. We find that there is no error in the order passed by the learned Single Judge, as clearance of TET examination is a must for holding the post of B.T.Assistant. At the time of pronouncing the order, the learned counsel for the appellant submitted that the appellant may be allowed to continue in the



post of B.T.Assistant till he clears TET examination. The question whether he can be continued in the same post or reverted to the post of Junior Assistant can be gone into only by the concerned department and this Court cannot usurp the administrative powers and render any finding to that effect. If the petitioner has got requisite qualification, sufficient teaching experience etc., it is for the respondents to decide to grant some more time to the appellant to clear the TET test and he may be allowed to work as B.T.Assistant. In case time is granted, the appellant must be permitted to take up the examination in the next attempt by relaxing his age and in the event of the appellant coming out successful in the ensuing examination, he may be continued in the BT.Assistant with effect from the date of acquiring the said qualification. For the sake of repetition, it is reiterated that the observation made herein above cannot be taken to be a direction to the respondents to act in a particular manner.

5. With the above observation and direction, the writ appeal is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dpq

To

- 1.The Secretary to the Government,
The Government of Tamilnadu,
Department Environment, climate change and Forest Department,
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- 2.The Principal Chief Conservator,
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4.The District Forest Officer and Deputy Director,
Anamalai Tiger Reserve,
Pollachi
Coimbatore District.

5.The Head Master
Government Tribal Residential School,
Topslip of Ulandy Range,
Pollachi TK,

+1cc to Mr.P.Saravanan, Advocate SR. No. 8226

+1cc to Special Government Pleader (Fores) SR. No. 8371

W.A.No.3089 of 2021
&
CMP.Nos.21472 & 21417 of 2021

BR (CO)
PR (31/03/2022)