



WEB COPY



W.P. No.32573 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.32573 of 2022

1. S. Krishnan
2. G. Selvan Jeevanatham,
3. G. Kuppan
4. R. Nageswaran
5. N. Thangarajan
6. S. Kathiresan
7. Govindaraj
8. V. Arumugam

... Petitioners

Versus

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai-600 009.

2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-600015

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to appoint us in the cadre post of Forest Watcher by giving the benefit of relaxation of height rule with effect from the date of our junior's appointment in the post of Forest



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Watcher on 24.01.1995 by considering the petitioner's representation, dated 08.01.2022 in the light of the order passed in W.P. No.9708 of 2014 dated 12.09.2014, W.P. No.15474 of 2021 dated 27.07.2021, W.A. No.27.07.2021, W.A. No.1838 & 1839 of 2018, dated 11.08.2021, G.O. (2D)No.48, Environment, Climate Change and Forests (FR.2-II) Department dated 07.04.2022, G.O.(2D)No.58, Environment, Climate Change and Forests (FR.2-II) Department dated 20.04.2022 and G.O(2D)No.89, Environment, Climate Change and Forests (FR.2-II) Department dated 24.06.2022 with all consequential benefits.

For Petitioners : Ms.K.Jenitha

For Respondents : Dr.T. Seenivasan,
Spl. Govt. Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to appoint the petitioners in the cadre post of Forest Watchers by giving the benefit of relaxation of height rule with effect from the date of their juniors appointment in the post of Forest Watchers on 24.01.1995 based on the petitioners' joint representation dated 03.01.2022.

2. Heard Ms.K.Jenitha, learned counsel for the petitioners and Dr.T.Seenivasan, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.



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3. The petitioners also rely upon the order passed by this Court in WP No.9708 of 2014 dated 12.09.2014, W.A.No.1703 of 2014 dated 20.01.2015, SLP (Civil) No.12056 of 2015 dated 05.07.2016, W.P.No.15474 of 2021 dated 27.07.2021, G.O.(2D)No.48, Environment, Climate Change and Forests (FR.2-II) Department dated 07.04.2022, G.O.(2D)No.58, Environment, Climate Change and Forests (FR.2-II) Department dated 20.04.2022 and G.O(2D)No.89, Environment, Climate Change and Forests (FR.2-II) Department dated 24.06.2022 to substantiate their claim.

4. However, this Court is of the considered view that the petitioners will have to give a fresh representation to the respondents. It is for the respondents to consider the same and decide as to whether the orders/Government Orders relied upon by the petitioners are applicable to the case of the petitioners or not.

5. No prejudice would be caused to the respondents if the petitioners' representation is considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the petitioners to submit a fresh representation to the first respondent seeking for their appointment in the cadre post of Forest Watchers by giving the benefit of



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relaxation of height rule with effect from the date of their juniors appointment in

the post of Forest Watchers on 24.01.1995, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, the writ petition is disposed of. No costs.

02.12.2022

Index: Yes/No

Speaking Order/Non-Speaking Order

vsi2

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai-600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-600015



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ABDUL QUDDHOSE, J.

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