



W.A.(MD)No.476 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 05.07.2022

PROUNOUNCED ON : 26.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.476 of 2022
and
C.M.P.(MD)Nos.4479 and 4480 of 2022

Periyakaruppan

... Appellant

Vs.

The Member Secretary,
Tamil Nadu Forest Uniformed Services
Recruitment Committee (TNFUSRC),
No.1, Jennis Road, Panagal Maaligai,
8D-Floor, Saidapet,
Chennai – 600 015.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.2633 of 2021, dated 18.04.2022.

For Appellant :Mr.G.Kannan

For Respondent :Mr.S.P.Maharajan

Special Government Pleader



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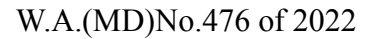
JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This Writ Appeal is filed challenging the order passed in Writ Petition W.P.(MD)No.2633 of 2021, dated 18.04.2022.

2. The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, to quash the order of rejection of candidature issued by the respondent through website, dated 27.01.2021, in so far as the petitioner (Table – 1(b) by S.No.39, in (Reg No.20020031094) is concerned for the post of Forest Guard with License and consequently, to direct the respondent to accept the petitioner's First Aid Certificates and select and appoint the petitioner to the post of forest guard with license within the stipulated time.

3. The brief facts of the writ petition are that the petitioner completed 10th standard in March, 2005, 12th



4. The petitioner has applied for the post of Forest and Forest Guard with license post as per the advertisement No.2 of 2019 through website on 30.11.2019. The number of vacancies in respect of Forest Guard was notified as 227 and Forest Guard with driving License with 2 vacancies and carry forward vacancies 91 posts and 320 vacancies. Educational qualification prescribed for the post is pass in higher secondary course (+2) with



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physics, chemistry, biology, zoology or botany as one of the subject for the post of Forest Guard. For Forest Guard with driving License, the prescribed qualification is same as Forest Guard with further qualification of a valid driving License issued by competent authority and also certificates from a reputed firm that the candidate should process experience in driving of light motor vehicle and heavy motor vehicle for a period of not less than 3 years after getting driving License and also that the candidate must possess first aid certificate by recognized organization.

5. The petitioner had submitted an application on 03.02.2020 through online for both the above said posts, i.e. for forest guard with or without license through online. The petitioner has applied for the post of Forest Guard and Forest Guard with license post as per the Advertisement No.2 of 2019 through website on 30.11.2019. The number of vacancies in respect of Forest Guard was mentioned as 227 and Forest



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Guard with driving license with current vacancy 2 posts and carry forward vacancies 91 posts totally 320 vacancies. The Educational qualification prescribed for this post is pass in Higher Secondary Course (+2) with physics, chemistry, biology, zoology or botany as one of the subject for the post of Forest Guard. For Forest Guard with driving license, the prescribed qualification is same as Forest Guard with further qualification of a valid driving license issued by competent authority and also certificates from a reputed firm that the candidate should possess experience in driving of Light Motor Vehicle and Heavy Motor Vehicle for a period of not less than 3 years after getting driving license and also that the candidate must possess First Aid Certificate by recognized organization. The petitioner had submitted an application on 03.02.2020 through online for both the above said posts, i.e., for forest guard with or without license through online. The respondent through another notification in website, dated 07.03.2020 for the same posts issued Advertisement No.2 of 2019, dated



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30.11.2019, whereby increased the vacancies for the said posts of 320 vacancies to 406.

6. The contention of the petitioner was that when the petitioner had applied through online application on 03.02.2020, the petitioner was having the first aid certificate issued by the National Skill Development of India by examination on 20.01.2020. The claim of the petitioner is he had completed the certificate course and thereafter, the petitioner has applied for online application on 03.02.2020. The contention of the respondent was that as on the date of notification, the petitioner was not in possession of the said certificate, the date of notification was 30.11.2019.

7. The learned Single Judge held that the petitioner should possess the first aid certificate on the date of notification, i.e. 30.11.2019. Since the petitioner has obtained the certificate after that, the petitioner is not entitled to any



8. Heard Mr.G.Kannan, the Learned Counsel for the appellant and Mr.S.P.Maharajan, the Learned Special Government Pleader and this Court after active consideration is passing the following order.

9. In the Information Brochure, it was specifically stated that the candidate must possess valid first aid certificate issued by recognized organization in Tamil Nadu at the time of online registration and also at the time of certificate verification.

“(g) FIRST AID CERTIFICATE FOR THE POST OF FOREST GUARD WITH DRIVING LICENSE

Candidates must possess valid First Aid Certificate issued by the recognized organization in Tamil Nadu at the time of Online Registration and also at the time of Certificate Verification. It is also informed that the candidature of many candidates was cancelled during the last recruitment of Forest Guard with Driving License for not producing valid First Aid Certificate.”



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The notification Brochure is not stating that the candidate should process the certificate on at the date of issuance of the advertisement / notification. The respondent has wrongly interpreted their own Information Brochure. In the present case, the appellant has submitted the online application on 03.02.2020 and he is in possession of the first aid certificate dated 20.01.2020, i.e. around 15 days prior to the online application dated 03.02.2020. Unfortunately, the Learned Single Judge has not considered this aspect and hence the impugned order passed in the writ petition is liable to be set aside.

10. Therefore, the impugned order is set aside and the appellant is entitled to relief, since the he is in possession of the first aid certificate on the date of online application dated 03.02.2020. Therefore, the respondent is directed to consider the appellant's candidature and include in the final selection list. The said exercise shall be completed within a period of



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three weeks from the date of receipt of a copy of this judgment.

11. For the above reasoning, the Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
26.07.2022

Index : Yes / No

Tmg

To

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