



W.A.(MD)No.478 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.478 of 2022
and
C.M.P.(MD)Nos.4481 and 4482 of 2022

Manikandan

... 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.2634 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.2634 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.61, in (Reg No.20020048726) 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 case are that the appellant has completed 10th standard in March 2008, + 2 in March 2010,



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has completed B.E., in 2013 and also obtained a PSTM certificate and also possess LMV Driving License, dated 05.06.2013 and. The appellant was working as a Driver from 12.04.2016 to 30.04.2019 in M/s. Harini Travels for 3 years and has completed the First Aid course in National Skill Development of India by examination on 20.11.2019 and completed another First Aid course in Mary First Aid Training Institute by examination on 26.11.2020.

4. 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 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



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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 07.02.2020 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 30.11.2019, whereby increased the vacancies for the said posts of 320 vacancies to 406.



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5. 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.

6. The issue raised in this writ appeal is that the appellant had produced two first aid certificates issue by the National Skill Development of India, dated 20.11.2019 and then Mary First Aid Training Institute Data 26.11.2020. The selection committee has taken only the second certificate issued by the Mary First Aid Training Institute, dated 26.11.2020 and returned the other certificate and has rejected the candidature stating that the appellant was not in possession of first aid certificate as on the date of online application. If the respondents had taken the certificate issued by National Skill Development of India dated 20.11.2019 then, the appellant was in possession of first aid certificate as on the date of online application.



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7. However, the respondents objected to the said certificate stating that was not produced before the committee. But the same was refuted by the appellant stating that he had produced both the certificates but the committee had stated that the last certificate is enough. In the counter affidavit the respondent has not refuted this specifically. But during the course of argument the respondents submitted in the appellate stage that the statement is not acceptable. Since the same was not refused during the writ petition stage this refusal cannot be accepted at this stage. Since it is not answered at relevant point of time, it need to be taken that the appellant has produced both the certificates and the selection committee has returned the other certificate. It is the mistake of the selection committee.

8. The similar issue is considered by this Court in W.A. (MD) No. 475 of 2022, elaborately dealt with the issue and has



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granted relief to the appellant therein. Therefore, this Court is of the considered opinion that the appellant is entitled to be considered in the recruitment process. Therefore, the respondent is directed to consider the appellant's candidature and accept the certificate issued by National Skill Development of India dated 20.11.2019 and include him in the final selection list. The said exercise shall be completed within a period of three weeks from the date of receipt of a copy of this judgment.

9. This Court is absolutely concerned to note that the appellant is qualified B.E. but serving as a driver in M/s. Harini Travels. Now, he is seeking for a better opportunity in the Forest Department. B.E. graduate is seeking a forest watcher opportunity. If the said first certificate is not considered, the appellant would be seriously prejudiced.



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10. With the above said observation, 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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