



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
RESERVED ON : 01.12.2021  
PRONOUNCED ON : 31.01.2022

CORAM:

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P.(MD) .No.5634 of 2019**

**and**

**W.M.P(MD)No.4458 of 2019**

WEB COPY

A.Mariappan

... Petitioner

vs.

The Member Secretary,  
Tamilnadu Forest Uniformed Services,  
Recruitment Committee,  
8<sup>th</sup> Down Floor, Panagal Building,  
Saidapet,  
Chennai - 600 - 015.

... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to appoint the petitioner to the post of either as Forest Guard or as Forest Guard with Driving License in pursuant to the notification, dated 06.10.2018, written test and certificate verification conducted on 29.01.2019 by considering the representation, dated 03.03.2019.

For Petitioner : Mr.T.Cibi Chakraborty  
For Respondent : Mr.A.K.Manikkam  
Special Government Advocate

### **O R D E R**

The petitioner, an aspirant for the post of Forest Guard with Driving License (FGDL), challenges his non-selection to the aforesaid post. He seeks a Mandamus, directing the respondent/the Member Secretary, Tamil Nadu Forest Uniformed Services, Recruitment Committee to appoint him to the post of either Forest Guard (FG) or Forest Guard with Driving License (FGDL), pursuant to a call for applications under Notification, dated 06.10.2018, to which he responded.

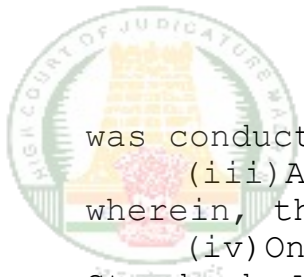
2. Heard Mr.T.Cibi Chakraborty, learned Counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader for the respondent.

3. The sequence of relevant dates and events as necessary to decide this matter are set out below:

(i) A notification was issued on 06.10.2018, calling for applications for the post of FG/FGDL.

(ii) Since the petitioner, according to him, satisfied all the requirements, he responded and attended the examination, that

<https://hcservices.mca.gov.in/hcservices>



was conducted on 11.12.2018.

(iii) A provisional shortlist of candidates was released, wherein, the petitioner figured in serial No.58 in General Category.

(iv) On 29.01.2019, he was called for a Certificate and Physical Standards Verification. Based upon the verification, a shortlist was issued wherein, the petitioner figured at Serial No.59. The note appended to this list stated that he had been shortlisted for both the posts i.e., FG/FGDL. Thus, and apparently, all certificates produced by him were found to be in order including the First Aid Course Completion Certificate.

(v) He thereafter, appeared for an Endurance Test on 05.02.2019 and had completed a distance of 25 kms in 3 hours 45 minutes as against 4 hours granted for the task. On 05.02.2019, the list of candidates who appeared for Endurance Test was published, which contains the Registration Number of the petitioner, being 18020025685, and his name, at Serial No.259.

Though there is an asterisk as against, and alongside Serial No.259, there is no note explaining the asterisk. Learned Special Government Pleader was thus asked to confirm what the description of the asterisk is. Upon instructions received, he confirms that the description of the asterisk is the same as the note appended to shortlist, dated 29.01.2019, which reads as follows:

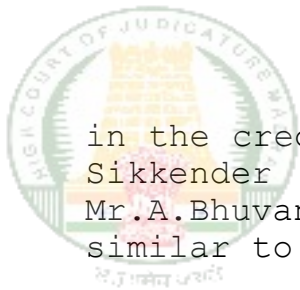
*'\*-You have been shortlisted for both the posts (Forest Guard/Forest Guard with Driving Licence). The Certificate Verification/Physical Standards Verification for you will be done only once. You are requested to furnish all the certificates (for both the posts) for verification/appear for Physical Standards Verification during the Certificate Verification/Physical Standards Verification process for the post of Forest Guard itself.'*

(vi) As on 05.02.2019, the position is clear to the effect that the petitioner has been found suitable for both the posts of FG as well as FGDL. The legitimate expectation of the petitioner that he would be selected was however belied as upon perusal of the list of candidates provisionally selected, his name did not figure.

(vii) Representations have been filed by him seeking appointment and setting out the above facts. The petitioner states that he has been orally informed by the respondents that 59 vacancies had been filled and that his candidature had been rejected for the reason that he did not produce the First Aid Course Completion Certificate.

4. The respondent would state that the petitioner has failed to produce a valid First Aid course completion certificate as the certificate produced has been issued by St. John Ambulance on 23.01.2019 and had neither a number nor a period of validity. In the counter, they state all 59 selected candidates had submitted a First Aid certificates, valid as on the date of Certificate Verification.

5. The petitioner has engaged in some research, detecting flaws



in the credentials of three of the selected candidates, one B.Madhar Sikkender who had produced only a Provisional certificate and Mr.A.Bhuvaneshwar and M.Harikrishnan, who had produced certificates similar to that produced by the petitioner.

6. As a counter-blast, an additional, revised counter and a completion of documents has filed by the respondent who states that immediately upon being alerted to the discrepancy in their certificates, action has been taken to re-verify the same. They would confirm that B.Madhar Sikkender has produced a certificate in appropriate format as issued by St.John Ambulance at the time of certificate verification and thus there is no flaw as alleged by the petitioner.

7. The certificates of M.Harikrishnan and A.Buvaneshwar were indeed, invalid and hence action has been taken to cancel their selection orders. To this effect orders have been passed and directions had been issued to the authority to take action against the Certificate Verification Team for failing to scrutinize the certificates in a proper manner. This is as far as the lacuna detected by the petitioner in the existing selection.

8. Now, coming to the facts of his own case, the certificates produced by the petitioner at the time of certificate verification are dated 23.11.2007 and January 2019, and read as follows:

**CERTIFICATE I**

**St.John Ambulance  
TAMIL NADU STATE**

1-Mayor V.R.Ramanathan Road (East), Chetpet, Chennai  
- 600 031.

**PROVISIONAL CERTIFICATE**

*President*

*The GOVERNOR OF TAMIL NADU*

*Chairman*

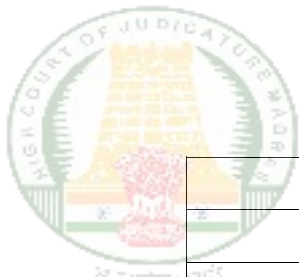
**HON'BLE JUSTICE S.RAMALINGAM**

Code No:PFAC/0710

Certificate No.1997648

This is to certify that Thiru/Tmt/Selvi **A.MARIAPPAN**  
son/wife/daughter of Thiru **G.ARUNACHALAM**  
has been awarded this provisional Certificate

*Asst. Licensing Authority  
Tenkasi*



|                            |                    |
|----------------------------|--------------------|
| <i>SUBJECT</i>             | <i>FIRST AID</i>   |
| <i>Centre</i>              | <i>TIRUNELVELI</i> |
| <i>Date of Examination</i> | <i>23/09/2007</i>  |

*This Provisional Certificate is valid for six months from the date of examination appended herein.*

*The relevant examination report for issue of original certificate has been sent to the Secretary General, St.John Ambulance, New Delhi, and the original Certificate will be issued to the holder of the Provisional Certificate in due course.*

*Signature/thumb Honorary State Secretary  
impression of the candidate                      Tamil Nadu State*

**CERTIFICATE II**

*St.John Ambulance  
RAJAPALAYAM CENTRE  
RAM - FIRST - AID TRAINING CENTRE  
24/617, Chatrapatti Road, RAJAPALAYAM - 626 117.*

**CERTIFICATE**

*THIRU A.MARIAPPAN is admitted for the Course Training in FIRST AID Tamil/English as medium of instruction.*

*Duration of Classes from 23.01.2019*

*Date of Examination 15.01.2019 to 22.01.2019 at Rajapalayam*

*This is to certify that Mr A.MARIAPPAN has passed in his First Aid Examination, and his certificate will be issued to him after receiving it from DELHI Centre.*

*Dr.G.KOTHANDARAMAN, M.B.B.S  
The Honorary Secretary,  
St.John Ambulance Rajapalayam Local  
Centre*

9. He has thereafter, on 14.02.2019, produced a certificate in proper format, that reads as follows:



**CERTIFICATE III**

WEB COPY

St.John Ambulance (India)  
TAMIL NADU STATE  
No.1, Mayor V.R. Ramanathan Road (East),  
Chetput, Chennai - 600 031.  
President  
THE GOVERNOR OF TAMILNADU  
Chairman  
D.VADIVEL MUGUDHAN

**PROVISIONAL CERTIFICATE**

Code No.PFAC/1902                      Certificate No. 00204377

This is to certify that thiru/Tmt./Selvi

**A.MARIAPPAN**

son/wife/daughter of Thiru G.ARUNACHALAM  
has been awarded this provisional certificate

Subject                                      FIRST AID

Centre                                        RAJAPALAYAM

Date of Examination                      01/02/2019

This Provisional Certificate is valid for three  
months from the date of examination appended  
herein.

The relevant examination report for issue of  
original certificate has been sent to the Secretary  
General.

St.John Ambulance (India), New Delhi, and the  
original Certificate will be issued to the holder  
of the Provisional Certificate in due course.

Honorary Secretary  
St.John Ambulance (India)  
TamilNadu State, Chennai -31.  
Signature/thumb impression of the candidate"

10. The petitioner would thus urge since the selection process has been concluded finally only on 27.02.2019 and the updated certificate produced by him on 14.02.2019, even prior to the completion of the selection and appointment process, the same should be considered by the respondent and his candidature accepted.

11. He relies, in this regard, upon decisions of this Court in *The Member Secretary, Tamil Nadu Forest Uniformed Services, Recruitment committee, Chennai - 600 015 Vs. M.Susil Kumar (Review Application No.44 of 2020)* dated 05.02.2021 and *M.Susil Kumar Vs. Anirudh Minna* the Member Secretary, Tamil Nadu Forest Uniformed



Services, Recruitment Committee, Chennai - 600 015 (Contempt Petition No.11 of 2020) dated 05.02.2021.

12. The respondent, for his part, would vehemently argue that selection of a candidate is entirely dependent upon the satisfaction of the conditions for such recruitment and the eligibility of the candidate. In the present case, the certificates of completion of the First Aid course as produced by the petitioner are not proper or valid and hence the rejection of his candidature cannot be faulted.

13. Having heard both the learned Counsel and applied my mind carefully to the facts and circumstances of the case, the documents filed as well as the cases relied upon, my decision is as under.

14. The credentials of the petitioner for the post of Forest Guard/Forest Guard with Driving License are to be seen in the context of the qualifications prescribed as extracted below:

**"Forest Guard**

- i.A pass in Higher Secondary Course (Plus Two) with Physics, Chemistry, Biology, Zoology or Botany as one of the subjects.

**Forest Guard with Driving Licence**

- A Pass in Higher Secondary Course (Plus Two) with Physics, Chemistry, Biology, Zoology or Botany as one of the subjects.
- ii. Must possess a valid Driving licence issued by the competent Transport Authority.
- iii. Must possess a Certificate from a reputed firm or company to the effect that the candidate possesses experience in driving of Light motor Vehicles/Heavy Motor Vehicles for a period of not less than three years after getting the driving licence.
- iv. Must possess basic knowledge about the general mechanism of automobiles.
- v. Must possess first aid certificate issued by the recognized organization in Tamil Nadu

And

- vi. Must be certificate to possess the visual standard specified below without glasses.

|                  | Right Eye | Left Eye |
|------------------|-----------|----------|
| a)Distant Vision | 6/6       | 6/6      |
| Near Vision      | 0.5       | 0.5      |
| (Snellen)        |           |          |

b)Each eye must have full field of vision.

c)Colour blindness, Squint or any morbid condition of the eyes or lies of either eye shall be deemed to be a disqualification.

d) Lasik/Laser Surgery/Excimer Laser Surgery



underwent by the candidate in either of the eye shall be deemed to be a disqualification.

e)A certificate from the District Government Head Quarter Hospital should be obtained to effect that the vision of the candidate conforms to the above standard."

WEB COPY

15. It is an admitted position that the petitioner satisfies all requirements for appointment to the post of FG. As regards the post of FGDL, a dispute is raised only as regard the First Aid course certificate produced by him, and he admittedly possess all other required attributed and qualifications. According to the respondents, the petitioner has presented invalid certificates as the certificate issued in 2007 was only a copy (original not produced) and was provisional, as it had a validity period of only 6 months.

16. The certificate issued in 2019 January contained neither number nor period of validity, and merely states that the petitioner has passed the First Aid examination and that a course completion certificate will be issued to him after receipt thereof from Delhi.

17. However, on 14.02.2019, the petitioner has, admittedly, produced a certificate as extracted by me in paragraph No.11, which contains a certificate number, the date of examination and the period of validity. This certificate has not been taken into account by the respondent in deciding the candidature of the petitioner.

18. Learned Special Government Pleader, upon perusal of the records that he is in possession of, as well as instructions from the officials, confirms that the certificate has indeed been produced by the petitioner on 14.02.2019. No objection has been put forth to the second certificate and evidently, the same is in order and acceptable.

19. In the revised additional counter affidavit, yet another objection taken is to the effect that the petitioner has secured only 75.58% in the computer based written test, whereas, the cut-off marks for the MBC/DC - General Category and MBC/DC - PSTM were 77.48% and 77.05% respectively. This does not appear to be a valid objection, since had it been so, he would not have been shortlisted for the post, in Serial No.58 of the provisional list. The provisional shortlist was issued after the written test and he had been selected in GT-General i.e., in the General Category.

20. The provisional nature of this list is subject only to certificate verification and Endurance Test and having shortlisted him in the first list, it is improper for the respondent to now raise an additional objection relating to the marks, three years



after the filing of the Writ Petition, and one that does not figure in the original counter affidavit. This reason is thus rejected.

21. As regards the objection relating to the provisional certificate, I am of the considered view that Certificate bearing No.00204377, admittedly produced on 14.02.2019 before the authorities and part of the records, has a bearing in the matter. The omission of the respondent to take into consideration the Certificate is a fatal flaw in the selection process.

22. Also admittedly, the process of selection has concluded only on 27.02.2019 when the list of provisional selected candidates was released. It was thus incumbent upon the respondent, in my view, to have taken note of this Certificate as well, while drawing up the final list.

23. In my view, the selection of the petitioner is a fait accompli, that stands concluded by inclusion of his candidature in the first provisional list based upon the written test. What remained was only certificate verification where too he was found suitable as confirmed by the inclusion of his candidature in the subsequent shortlist.

24. The non-inclusion of the petitioner's candidature in the final list is thus clearly erroneous both for aforesaid reasons as well and the fact that no flaws are pointed out in certificate bearing no.00204377 dated 01.02.2019. The Mandamus, as sought for, is thus issued, directing the respondent to approve the petitioner's candidature and issue an order of appointment in the post of Forest Guard with Driving Licence, forthwith and in any event within a period of four (4) weeks from today.

25. This Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

The Member Secretary,  
Tamilnadu Forest Uniformed Services,  
Recruitment Committee,  
8<sup>th</sup> Down Floor, Panagal Building,  
Saidapet,  
Chennai - 600 - 015.

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate ( SR-3294[F] dated  
01/02/2022 )

+1 CC to M/s.SPL.GP ( SR-3654[F] dated 02/02/2022 )

**ORDER MADE IN**  
**W.P. (MD) No.5634 of 2019**  
**31.01.2022**

nsn(CO)  
TR(09.02.2022) 9P 4C