



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)Nos.9082 & 9083 of 2019
and

WMP (MD)Nos.7075, 7077, 17883 and 19047 of 2019

1.K.Mahendran ... Petitioner in WP.9082/2019
2.K.M.Easwaran ... Petitioner in WP.9083/2019

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environment and Forests Department,
Secretariat, Fort St.George,
Chennai - 600 009.

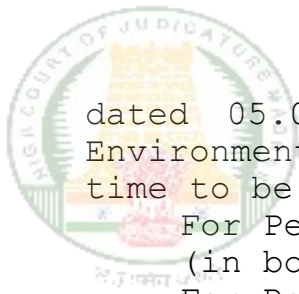
2.The Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Building, Saidapet,
Chennai - 600 015.

3.The Chief Wild Life Warden,
Panagal Building,
Saidapet,
Chennai - 600 015.

4.The Member Secretary,
Tamil Nadu Forest Uniformed Services
Recruitment Committee,
No.1, Jeenis Road, Panagal Maaligai,
8D Floor, Saidapet,
Chennai - 600 015. ... Respondents in both W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Advertisement No.1/2019, dated 07.03.2019, Notification No.1, Forest Watcher, issued by the 4th respondent and to quash the same and consequently directing the respondents to pass order for permanent absorption of petitioners in the existing vacancies to the post of Forest Watchers, as per the orders passed in W.A.Nos.354 & 355 of 2016,

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dated 05.04.2018 and by extending the benefit of G.O.Ms.No.76, Environment and Forests Department, dated 07.06.2010, within the time to be fixed by this Court.

For Petitioners :Mr.F.Deepak
(in both WPs.)

For Respondents :Mr.P.Thilak Kumar
(in both WPs.) Govt.Pleader

Assisted by Mr.M.Ramesh
Govt.Advocate

COMMON ORDER

The Notification, dated 07.03.2019, for recruitment to the post of 'Forest Watchers', is under challenge in the present writ petition. Consequential relief is sought for to direct the respondents to pass orders of permanent absorption of the petitioners in the post of Forest Watchers.

2. As far as the challenge regarding the recruitment Notification is concerned, the process had already been concluded and therefore, the cause did not exist. With reference to the further relief, permanent absorption cannot be granted in violation of the rules in force. The regularization or permanent absorption is to be granted strictly in accordance with the rules in force. The Constitution Bench of the Hon'ble Supreme Court of India in **Uma Devi's** case, settled the principle for regularization and permanent absorption. Therefore, the case of the petitioners cannot be considered by this Court, as they are continuing as a consolidated pay watchers and the department has already issued Notification for filling up of regular vacancies through open competitive process. Thus, if at all the petitioners are qualified, they would have participated in the process of selection. Contrarily, by challenging the Notification, they cannot seek permanent absorption in the post of Forest Watchers and the relief itself is contradictory. However, if any grievance exists, the petitioners are at liberty to approach the authorities. As far as notification is concerned, the cause lapsed. Regarding the permanent absorption, relief cannot be granted in violation of Rules. The Writ Petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

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To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
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- 2.The Principal Chief Conservator of Forests,
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No.1, Jeenis Road, Panagal Maaligai,
8D Floor, Saidapet,
Chennai - 600 015.

+1 CC to M/s.SPL GP (SR-6818[F] dated 17/02/2022)

+1 CC to M/s.F.DEEPAK, Advocate (SR-6680[F] dated 17/02/2022)

W.P. (MD) No. 9082 & 9083 of 2019
16.02.2022

MGJ(03.03.2022) 3P 7C