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W.P.No.10543 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.10543 of 2011

C.N.Prem Sagar

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Environment and Forest,
Fort. St. George, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
and Head of Forest Force,
No.1. Panagal Maligai,
Jeenis Road,
Saidapet, Chennai.
- 3.The Chief Wildlife Warden,
No.1. Panagal Maligai,
Jeenis Road,
Saidapet, Chennai.
- 4.The Chief Conservator of Forests and Field Director
Mudumalai Tiger Reserve,
Udhagamandalam 643 001.
Nilagiri District.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the proceedings of the respondent number 2 herein in Proceedings in Ref.No.B2/76436/2010 dated 11.01.2011, quash the same and issue a direction to the respondents to select the petitioner for promotion as Ranger and Consequently to select the petitioner for promotion as Ranger and consequently grant such other relief.

For Petitioner : Ms.Fathima Hussain
for Mr.P.V.Ravi Chandran

For Respondents : Mr.R.Neethi Perumal
Government Advocate

ORDER

The petitioner had challenged the order of the 2nd respondent in rejecting his request for promotion as a Ranger and for a further direction to promote the petitioner as a Ranger with consequential reliefs.

2. Heard Ms.Fathima Hussain, learned counsel for Mr.P.V.Ravi Chandran, learned counsel for the petitioner and Mr.R.Neethi Perumal,



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learned Government Advocate appearing for the respondents.

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3. The learned counsel for the petitioner would submit that the petitioner was initially appointed as a Forest Guard on 02.09.1976 and was promoted as a Forester in the year 1992. He has an unblemished service of 35 years. But, however, he had been over looked for further promotion as a Ranger and therefore, he had been making several representations to the 2nd respondent to consider his case for promotion. He would submit that he possess all necessary qualification for being promoted as a Ranger. She would submit that for the post of a Ranger, the qualification prescribed as per Rule 5 of Tamil Nadu Forest Subordinate Service Rules, a Forester will be eligible for appointment as a Ranger by promotion if he possesses a minimum general educational qualification as specified in Schedule to the General Rules. According to her, the petitioner fully possesses the minimum educational qualification as prescribed under Schedule-I of the General Rules. She would submit that the petitioner had appeared for XI-Standard after 11 years of regular schooling, but, however, had failed. She would also



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rely upon the information given to the petitioner under the Right to Information Act, to substantiate her claim. She would submit that she would fall under Explanation-2 of the said Regulations. But, however, the 2nd respondent had rejected the claim of the petitioner by holding that the petitioner would fall only under Explanation-3 the Schedule-I and since he had failed in the optional subject and also failed to obtain 35 marks in all other subjects and therefore, she would submit that the petitioner is entitled to be promoted as a Ranger. She would further submit that there is no necessity to insist upon the educational qualification in the case of promotion from Group C to Group B namely the Forester to Ranger and at least the petitioner should have been considered for a temporary promotion. Therefore, she would seek indulgence of this Court to set aside the order impugned in this Writ Petition and direct the respondents to grant promotion to the petitioner.

4. Countering her arguments, Mr.Neethi Perumal, learned Government Advocate would submit that as per the Service Rules governing the Tamil Nadu Subordinate Forest Service for promotion to the



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post of Ranger, is from the feeder category of Forester, who hold a minimum general qualification as specified in the General Rules. He would submit that the petitioner will not fall under Clause-II as he had not produced any documents to substantiate that he falls under Clause-II that even though he had failed in certain subjects in the XI standard, he had obtained 35% marks in the corresponding subjects in the X SSLC. But, however, it is an admitted case that the petitioner had attended his XI standard with an optional subject Chemistry in which he had failed and even in the other subjects he had failed. Therefore, the case of the petitioner cannot be considered for promotion in consonance with the Rules and there is no infirmity in the order passed by the 2nd respondent.

5. I have considered the rival submissions made by the learned counsels appearing for their respective parties and had perused the materials available on record before this Court.

6. It is an admitted case that the petitioner was working in a feeder category of Forester and the post of Ranger is the next avenue of promotion



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from the said feeder category. The only lis that has to be decided in this Writ Petition is the claim of the petitioner whether he has minimum general qualifications. It is also an admitted case that Rule 5 of the Tamil Nadu Subordinate Forest Service Rules envisages that “no Forester is eligible for appointment as a Ranger by promotion unless he possess the minimum general qualification as specified in Schedule to the General Rules.” For better appreciation, the Schedule to the General Rules prescribing minimum general qualification is extracted hereunder:-

**SCHEDULE – I*

[See ruled 12(a)(i)]

Minimum General Education Qualification

(1) A pass in the Secondary School Leaving Certificate Examination with eligibility for admission to College Course of studies in the Universities in this State; or

(2) A pass in the Secondary School Leaving Certificate Examination of this State.

Explanation-(i) A person who had appeared for 11 year S.S.L.C. Public Examination and obtained 35% marks in each subject either in one sitting or compartmentally, shall be deemed to have passed the S.S.L.C. Public Examination.

Explanation-(ii) A person who had appeared for 11 year S.S.L.C. Public Examination and had failed to obtain 35% marks in one or more subjects, but who has appeared and obtained 35% marks in the corresponding subject or subjects in 10 year S.S.L.C. Public Examination, shall be deemed to



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have passed the S.S.L.C. Public Examination

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Explanation-(iii) A person who had studied optional subjects in 11 year S.S.L.C. and failed in the optional subjects but had obtained 25% marks in all other subjects except the optional subjects in 11 year S.S.L.C. Public Examination shall be deemed to have passed the S.S.L.C. Public Examination.

Explanation-(iv) A person who had appeared and passed the X standard Government Examination conducted by the Board of Open School, Tamil Nadu shall be deemed to have passed S.S.L.C. Public Examination.”

7. The same had been by substitution in G.O.Ms.No.825, P&AR, dated 25.08.1986 with effect from 25.08.1986. The petitioner had been by appointed in the year 1976 and was promoted as a Forester in the year 1992. On the date of his promotion from the post of Forester which is a feeder category to the post of Ranger, the said Schedule had come into force. Therefore, the contention of the learned counsel for the petitioner that the said Rule will not be applicable in the present case does not deserve any consideration. Further, when the Rules specifies a particular qualification, a person claiming promotion under the Rules will have to fulfill the qualification as prescribed under the Rules.



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8. As rightly pointed out by the learned Government Advocate, the petitioner had not produced any materials to substantiate that he would fall under Clause-II of the said Schedule particularly that even though he had failed in XI standard in certain subjects and in those corresponding subjects he had passed in the X SSLC. On the contrary, it is an admitted case that the petitioner had appeared for XI year SSLC with Chemistry as an optional subject in which he had failed. In other subjects also the petitioner had failed. Therefore, Clause-III would also not be entitling him to seek promotion as rightly pointed out in the impugned order. Therefore, there is no infirmity in the order impugned in this Writ Petition.

9. In fine, this Writ Petition fails and is accordingly, dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

17.11.2023

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

To

1.The State of Tamil Nadu,

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Represented by its Secretary,
Department of Environment and Forest,
Fort. St. George, Chennai – 600 009.

- 2.The Principal Chief Conservator of Forests,
and Head of Forest Force,
No.1. Panagal Maligai, Jeenis Road,
Saidapet, Chennai.
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K.KUMARESH BABU,J.

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and M.P.No.1 of 2011

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