



W.P.Nos.21962 & 21963 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P.Nos.21962 & 21963 of 2013

and

M.P.Nos.1, 1, 2, 2, 3 and 3 of 2013

R.Saravanan
S/o.Ramaiah

...Petitioner
in W.P.No.21962 of 2013

G.Shanthi Subbulakshmi
D/o.Thiru.T.S.Gandhimathinathan

.... Petitioner
in W.P.No.21963 of 2013

Vs

1. The State of Tamil Nadu
Rep. by Additional Chief Secretary to Government
Environment and Forest Department
Secretariat
Chennai-9.
2. The Additional Principal Chief Conservator of Forest
(Afforestation) and
Chief Project Director of Tamil Nadu Biodiversity
Conservation and Greening Project
JFM Center, Velachery Main Road
Chennai-600 032.



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3. The Chief Conservator of Forest
Southern Region
Madurai.

4. The Forestry Extension Officer
Tirunelveli District
Tirunelveli.

...Respondents in both WPs

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent herein in G.O.Ms.No.276, Environment & Forest (FR-6) Department dated 13.12.2012 and quash the same insofar as the post of Technical Assistant alone is concerned and to direct the respondents herein to continue the services of the petitioners as Technical Assistants in Tamil Nadu Bio Diversity Conservation and Greening Project, on the basis of their service and performance until their regular absorption in the Forest Department.

For Petitioner in both WPs	:	No representation
For Respondents in both WPs	:	Mr.T.K.Saravanan Government Advocate

COMMON ORDER

These writ petitions are filed challenging G.O.Ms.No.276, Environment and Forest (FR-6) Department dated 13.12.2012 inasmuch as it relates to the post of Technical Assistant and consequently, to direct the respondents to continue the service of the petitioners as Technical



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Assistants in Tamil Nadu Bio-Diversity Conservation and Greening Project on the basis of their service and performance until their regular absorption in the Forest Department.

2. Pending the above writ petitions, it seems that the scheme itself has come to an end and the contract employees were ousted from service. The petitioners were also ousted from service. Challenging the same, the petitioners have filed W.P.(MD).Nos.10056 and 10058 of 2019 and by a common order dated 16.02.2022, the writ petitions were dismissed and their ouster from service has been upheld. The Learned Judge had followed yet another decision in W.P.(MD)No.4871 of 2013 dated 11.06.2019. In the said order, not only the petitioner's claim for regularization was negated, it is expressly held that an amendment to the selection procedure by way of G.O.Ms.No.276 dated 13.12.2012 cannot also be challenged by the petitioner.

3. In that view of the matter, firstly, the petitioner is bound by the order passed in earlier writ petitions namely, W.P.Nos.10056 and 10058 of 2019. Secondly, even on merits, just because the petitioner will be



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affected, the same cannot be a ground for challenging the method of selection as framed by the Government in G.O.Ms.No.276 dated 13.12.2012. As a matter of fact, it may be seen that the entire employment was in the scheme and was contractual in nature.

4. In that view of the matter, once the scheme itself has ended and petitioners have since been ousted from service from the year 2019 onwards, nothing survives further to be adjudicated in these writ petitions. Therefore, both by considering on merits and also considering the subsequent events and efflux of time, this Court finds no merits in these writ petitions.

5. Accordingly, both the writ petitions namely, W.P.Nos.21962 and 21963 of 2013 shall stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

27.11.2023

Index:Yes
Speaking order
Neutral Citation : No



To

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D.BHARATHA CHAKRAVARTHY.J.,

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