



W.P(MD)No.18625 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18625 of 2020

and

W.M.P(MD)Nos.15577 of 2020 & 5407 of 2021

Uma Maheswari

... Petitioner

Vs

- 1.Tamil Nadu Forest Department,
Represented by its Principal Secretary,
St.George Fort,
Chennai.
- 2.The Principal Chief Conservator of Forest (HOD),
Panagal Maligai,
Saidapet,
Chennai.
- 3.The Member Secretary,
Tamil Nadu Forest Uniformed Service Recruitment Committee,
(TNFUSRC),
9th Floor, Panagal Maligai,
Saidapet,
Chennai.
- 4.The Chairman cum Principal Chief Conservator of Forest,
Arasu Rubber Corporation Limited (ARC),
Tamil Nadu Bio Diversity Green Project,



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Project Management Unit Office,
Nanmangalam,
Medavakkam Post,
Chennai.

5.The Managing Director cum Chief Conservator of Forest,
Arasu Rubber Corporation Limited (ARC),
No.75, Vadasery,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of fifth respondent in Na.Ka.No.P2/2717/18 dated 17.05.2018 and quash the same as erroneous and may direct the respondents 1 and 2 to declare petitioner's cadre as Forester and may regularize the same by considering the time period worked in the Arasu Rubber Corporation as deputation from forest department.

For Petitioner : Mr.K.P.Narayanakumar
for Mr.A.Balakrishnan

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1 to R.3

Mr.A.K.Manikkam
Special Government Pleader
for R.4 & R.5



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ORDER

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Heard the learned counsel appearing for the writ petitioner, the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Special Government Pleader appearing for the respondents 4 and 5.

2.The third respondent issued recruitment notification dated 22.12.2014 calling for applications from eligible candidates for filling up the vacancies in the post of Forester in Tamil Nadu Forest Department (TNFD), Forester in Tamil Nadu Forest Plantation Corporation Limited (TAFCON) and Field Assistant in Arasu Rubber Corporation Limited (ARC). The petitioner applied in response thereto. The petitioner belongs to BC(W) category. The cut off marks for the post of Forester in Forest Department was 170.83. The petitioner had scored 171.53. But she was not selected. Instead, she allotted to Arasu Rubber Corporation Limited (ARC). A mere look at the record to show that allotting the petitioner in Arasu Rubber Corporation Limited was illegal. The petitioner ought to have been appointed as Forester in Forest Department. It is seen that three candidates, namely, G.Dharani, R.Epsy Victoria and N.Shanmuga Vadivu who were also belonging to the same category and scored lesser marks compared to the petitioner came to be appointed as Forester in



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Forest Department. Since they are not before this Court, this Court will not be justified in straightaway unseating them. The Department does not want to disturb the appointees. The Department has to take decision in this regard.

3.All that this Court is directing is that the petitioner shall be appointed as Forester in Forest Department. While she may not have any monetary benefits for the intervening the period, she will have seniority on par with her batchmates in the same recruitment process. Her salary will be computed on notional basis for computing her future increments and other benefits. The first respondent shall pass order appointing the petitioner as Forester within a period of eight weeks from the date of receipt of a copy of this order. The petitioner's seniority in the said post is counted with effect from 22.05.2017.

4.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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3. The Member Secretary,
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(TNFUSRC), 9th Floor, Panagal Maligai, Saidapet, Chennai.
4. The Chairman cum Principal Chief Conservator of Forest,
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