



W.P(MD)No.19774 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19774 of 2020
and
W.M.P.(MD)No.16469 of 2020
and
W.M.P.(MD)No.5241 of 2021

R.Kadher Moideen

... Petitioner

Vs.

1. Tamil Nadu Forest Department,
Rep. by its Principal Secretary,
St.George Fort, Chennai.
2. The Principal Chief Conservator 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 Ltd (ARC),



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Tamil Nadu Bio Diversity Green Project,
Project Management Unit Office,
Nanmangalam, Medavakkam Post,
Chennai.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the proceedings of 5th respondent in Na.Ka.No.P2/2717/18 dated 17.05.2018 and quash the same as erroneous and may direct 1st and 2nd respondents to declare petitioner's cadre as Forest 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 Ms..Balakrishnan.

For Respondents : Mr.R.Baskaran,
Addl. Advocate General,
Assisted by Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1to R3.



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Mr.A.K.Manikkam,
Spl. Government Pleader for R4 & R5.

ORDER

The third respondent herein issued recruitment notification dated 06.10.2018 calling for applications for direct recruitment for the post of Forester in Forest Department / TAFCORN and Field Assistant in Arasu Rubber Corporation. A common recruitment examination was conducted. The petitioner took part therein. His choice of preference was also Arasu Rubber Corporation. He was allotted to Arasu Rubber Corporation. Contending that he must have been selected and posted as Forester in Forest Department, the present writ petition came to be filed.

2.The respondents have filed counter affidavit. This Court heard the learned counsel for the petitioner, the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents 1 to 3 and the learned Special Government Pleader for the respondents 4 and 5.



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3.The petitioner belongs to B.C. (Muslim) category. He had scored 177.07 marks. The cut off mark for being appointed as Forester in Forest department was 181.63 marks. Five vacancies had been earmarked for B.C.(Muslim). It was again divided into following four categories:-

“B.C.(Muslim)(General)

B.C.(Muslim)(Woman)

B.C.(Muslim)(PSTM)

B.C.(Muslim)(Sports)”

4.The petitioner belongs to B.C.(Muslim)(Male) category. He is not seeking any benefit under PSTM quota or sports quota. One Mohammed Afzal Faiz had scored 181.63 marks. Therefore, he was appointed as Forester in Forest department. The non-selection of the petitioner as Forester in Forest department cannot be faulted.

5.The next question that calls for consideration is that whether the petitioner was rightly not appointed as Forester in TAF CORN. There were seventeen vacancies in the post of Forester. Two were reserved for



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B.C.(Muslim). One of them was for B.C.(Muslim)(Sports) while the other was B.S.(Muslim)(Woman) category. One Mohamed Waseem had also scored 177.07 marks which is equal to that of the petitioner's marks. Yet the petitioner could not be selected because Mohammed Wasim was older. Mohamed Waseem was born on 11.10.1990. Whereas the petitioner was born on 11.05.1991. Therefore, the petitioner could not be appointed as Forester in TAFORN. Looked at from any angle, non-appointment of the petitioner cannot be said to be incorrect.

6.The learned counsel for the petitioner states that the promotion avenues as well as financial benefit for the post of Forester in Forest department or in TAFORN are superior and the petitioner stands to lose by being appointed as Field Assistant in Arasu Rubber Corporation. That is why, this present writ petition has been filed for declaring his cadre as that of Forester.

7.My attention is drawn to Clause 20 of the Information Brochure which clearly states that once allotment has been made, it cannot be altered or changed. Therefore, I am not in a position to grant relief to the



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petitioner. The writ petition stands dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

26.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Principal Secretary,
Tamil Nadu Forest Department,
St.George Fort, Chennai.
- 2.The Principal Chief Conservator Forest (HOD),
Panagal Maligai, Saidapet, Chennai.
- 3.The Member Secretary,
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G.R.SWAMINATHAN, J.

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