



WEB COPY



W.A(MD)No.1058 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	13.09.2023
Delivered on	26.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1058 of 2022
and
C.M.P(MD)No.8526 of 2022

The Member Secretary,
Tamil Nadu Forest Uniformed Services,
Recruitment Committee,
8th Down Floor, Panagal Building,
Saidapet,
Chennai – 600 015.

... Appellant/Respondent

Vs.

A.Mariappan

... Respondent/Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 31.01.2022 passed in W.P(MD)No.5634 of 2019.

For appellant	:Mr.R.Baskaran, Additional Advocate General, Assisted by,
For Respondent	:Mr.T.Cibi Chakraborty



W.A(MD)No.1058 of 2022

JUDGMENT

(Judgment of the Court was delivered by D. Bharatha Chakravarthy J)

This Writ Appeal is directed against the order of the learned Single Judge, dated 31.01.2022 passed in W.P(MD)No.5634 of 2019.

2. By the said order, the learned Single Judge allowed the writ petition filed by the respondent/writ petitioner. The respondent had prayed for a Writ of Mandamus directing the appellant herein to appoint the respondent either as Forest Guard or as Forest Guard with Driving Licence in pursuant to the notification, dated 06.10.2018, written test and certificate verification conducted on 29.01.2019 by considering his representation, dated 03.03.2019.

3. The case of the respondent/writ petitioner is that there exists the posts of Forest Guard and Forest Guard with Driving Licence in the Tamil Nadu Forest Uniformed Services. By a notification, dated 06.10.2018 applications were called for from eligible candidates. The respondent upon being satisfied that he qualifies to be appointed to the said posts, submitted his application. A written examination was conducted on 11.12.2018 and the respondent cleared the written examination and was short listed for the further process of selection and his name figured in Serial No.58 in the General Category. Thereafter, on 29.01.2019, the respondent was called for



W.A(MD)No.1058 of 2022

certificate verification and physical test. After the production of the original certificates, the respondent participated in the Physical Endurance Test on 05.02.2019 and was successful in the Physical Endurance Test also. The respondent was found suitable for both the posts. But, however, the respondent was not issued any order of appointment. The respondent has also obtained information under the Right to Information Act, 2005 in respect of the persons appointed pursuant to the above selection. He also made representations to appoint him. In spite of the same, the respondent was not given any offer of appointment and hence, the writ petition.

4. The writ petition was resisted by the appellant. It was pleaded that even though the respondent was found to be meritorious and got selected, he was not appointed because as per the notification, the selected candidate must possess the First Aid Course Completion Certificate issued by a Recognized Organization in Tamil Nadu. The respondent at the time of certificate verification had produced a certificate as if he attended the examination on 23.09.2007 and that certificate reads as a provisional certificate and it states that it will be valid only for a period of six months. This apart, the respondent had produced another certificate as if he underwent an examination on 15.01.2019, which states that his certificate will be issued from Delhi in a later date. Therefore, that cannot also be considered as a certificate. The respondent has produced yet another certificate from M/s. St. John Ambulance, in which, it was mentioned that



WA(MD)No.1058 of 2022

the date of examination itself was on 01.02.2019 and therefore, the said certificate was not taken into account. Therefore, the first certificate being invalid, the second certificate is not being a certificate at all and the third certificate having been obtained after the crucial date, the same were rejected and as such, since the respondent did not qualify to be appointed for the said post, he was not issued order of appointment.

5. The learned Single Judge considered the cases of both sides and found that the First Aid Course Completion Certificate produced by the respondent / writ petitioner, even though reads as a provisional certificate, it can be taken as a valid certificate and therefore, non-consideration thereof is a fatal flaw in the selection process. On the said finding, directed the appellant herein to approve the respondent's candidature and issue an order of appointment for the Post of Forest Guard with Driving Licence within a period of four weeks from the date of receipt of the order. Aggrieved by the same, the present writ appeal is laid before this Court.

6. Mr.R.Baskaran, learned Additional Advocate General appearing on behalf of the appellant would submit that firstly, the qualification regarding the First Aid Course, ought to have been obtained as on the date of certificate verification ie., on 29.01.2019. But, however, the only valid certificate, which is produced by the respondent reads as if he cleared the examination only on 01.02.2019. In that view of the matter, the said



W.A(MD)No.1058 of 2022

certificate cannot be taken into account. The other two certificates are invalid on the face of the certificates themselves. The first Certificate which reads as provisional certificate categorically states that it is valid only for a period of six months and the said certificate is of the year 2007 and as such, unless there was a final certificate which was issued pursuant to the provisional certificate, the same cannot be taken into consideration. The second certificate is not a certificate at all as it is stated in the said Form that the certificate will be issued to the respondent / writ petitioner after receiving it from Delhi Centre. He would therefore submit that in that view of the matter, the candidature of the respondent has rightly been rejected by the appellant. Therefore, the learned Single Judge ought not to have interfered in the matter.

7. Per contra, Mr.T.Cibi Chakroborthy, learned counsel appearing on behalf of the respondent would submit that the respondent / writ petitioner has long before undergone the First Aid Course and has been certified so, as early as in the year 2007. Only because the appellant authorities orally instructed for fresh certificate, as every other candidate went for fresh training, the respondent also went for a second training, in which, a certificate had been issued to him, which was produced before the appellant at the time of certificate verification. However, on 29.01.2019, when the certificate verification was done, the appellant officials stated that the certificate was not in the prescribed format. Therefore, when the



W.A(MD)No.1058 of 2022

respondent once again approached the Organization, they issued a fresh certificate by holding one more Test on 01.02.2019. Therefore, he would submit that it cannot be said that he was not qualified.

8. We have considered the rival submissions and perused the materials on record.

9. As per the notification, the candidates should possess First Aid Course Completion Certificate issued by a recognized Organization in Tamil Nadu apart from the other qualifications. There is no quarrel over the fact that the respondent / writ petitioner is otherwise qualified. Similarly, the fact that the Organization namely St. John Ambulance is a recognized Organisation in Tamil Nadu is also not disputed. It is seen that the Course is conducted by the said Organisation for about a week and after holding an examination, the certificate is issued. It is seen that the petitioner has undergone the course as early as in the year 2007 and a certificate has been issued. Even though the certificate reads as a provisional certificate, merely because the respondent/writ petitioner did not take any follow up action with the concerned Institution to get the final version of the certificate, it cannot be said that he did not possess the qualification. It is not the case of the appellant that the respondent never underwent the course. Further, It is not their case that the certificate is bogus or incorrect.



WA(MD)No.1058 of 2022

10. In that view of the matter, we are fully in agreement with the view of the learned Single Judge that the said provisional certificate is a valid certificate and merely because it is mentioned that it is valid for six months, the qualification itself will not evaporate and therefore, when the respondent is fully eligible to be appointed in the said Post by virtue of the said certificate, the appellant ought not to have rejected the candidature of the respondent / writ petitioner. In that view of the matter, the findings and conclusions of the learned Single Judge does not call for any interference.

11. In the result, this writ appeal shall stand dismissed. However, the appellant is granted four weeks time from today to comply with the directions issued by the learned Single Judge. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]

26.09.2023

Index : Yes / No
NCC : Yes/No

pm
To
The Member Secretary,
Tamil Nadu Forest Uniformed Services,
Recruitment Committee,
8th Down Floor, Panagal Building,
Saidapet, Chennai – 600 015.



WEB COPY



W.A(MD)No.1058 of 2022

S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

W.A(MD)No.1058 of 2022

26.09.2023