



W.P.No.2896 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.2896 of 2015

C.Jayaraman

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai 600 009.

2. The Principal Chief Conservator of Forest,
Panagal Building
Saidapet, Chennai 600 015.

3.The Conservator of Forests,
Vellore Forest Circle,
Vellore.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus to call for the records of the second respondent in Ref.No.S2/5497/2007 dated 05.01.2015 to quash the same and with consequential direction to the second respondent to promote the petitioner as Headmaster with effect



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from 12.09.1996 the date of up gradation of Pudurnadu Forest Higher Secondary School within time frame.

* * *

For Petitioner : Mr.T.Dharani

For Respondents :Mr.S.Rajesh
Government Advocate

ORDER

The writ petitioner seeks to challenge the order passed by the second respondent dated 05.01.2015 and to consequently direct the second respondent to promote him as Headmaster with effect from 12.09.1996 the date of upgradation of Pudurnadu Forest Higher Secondary School, within a time frame to be stipulated by this Court.

2. The petitioner was initially appointed as a forest guard on 29.11.1979 through employment exchange from where he was transferred to teaching service and appointed as a secondary grade teacher in the forest school. He was subsequently promoted as



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P.G.Assistant on 19.09.1986. From 12.09.1996, the said school had been upgraded as a higher secondary school by virtue of G.O.Ms.No.206, Environment and Forest Department dated 12.09.1996. The petitioner would submit that under the Tamil Nadu Forest Subordinate Service Rules, there was no Rule or qualification for the post of higher secondary school headmaster, as the service rules contain only upto the post of Post graduate assistant. After the upgradation of the school, the petitioner claimed promotion to the post of headmaster. Since a charge sheet was pending against him under Rule 17(b), he was not promoted and his junior was promoted as higher secondary school headmaster. Thereafter, the charges framed against the petitioner were dropped and the juniors who were promoted as headmasters were reverted. The petitioner was promoted as Higher Secondary School Headmaster on 30.05.2004. Subsequently, the Government had issued G.O.Ms.No.66, Environment and Forest (F.R.1) Department, dated 07.07.2006 which contained Adhoc Rules, which were deemed to have come into effect from 08.02.1992. Under



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these Rules, the following qualifications are prescribed:

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(i) A Master's degree of an University in the State of Tamil Nadu or a Master's degree of equivalent standard of certificate issued by the university of Madras for having undergone the certificate course in science and Humanities for Graduate Teachers in High School.

(ii) B.T.or B.Ed.degree of a University in the State of Tamil Nadu or a teaching degree a equivalent standard.

(iii) Experience for a period of not less than 10 years as post Graduate Assistant in a Forest Higher Secondary School and

(iv) Must have passed the Account Test for Executive Officers or Account Test for Sub-Ordinate Officer, part-I and part-II.

Since at the time of the petitioner being appointed as Headmaster, these Rules were not in vogue, the petitioner had thereafter passed an account test for executive officers. He immediately sent a representation for promotion and fixation of pay with effect from the date of upgradation i.e from 12.09.1996. Since his representation was not considered, the



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petitioner filed a writ petition in W.P.No.11016 of 2015 seeking a direction to the second respondent to consider the representation dated 23.02.2005 and consider him for promotion. This writ petition was disposed of on 22.09.2006 and this Court directed the respondents to consider the representation of the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of that order. After the disposal of this writ petition, the petitioner sent another representation, which was disposed of through the impugned order. Meanwhile, the petitioner also retired from service on 30.06.2011.

3.In the order rejecting the petitioner's claim, the respondents stated that the petitioner was not qualified during 1996 for the post of higher secondary school headmaster and therefore, his promotion with retrospective effect would not arise. He would submit that the request is against the Adhoc Rules. That apart, the petitioner has also suffered disciplinary proceedings and had rejected the representation.



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“8. Savings: Nothing contained in these rules shall adversely affect any person appointed to the post prior to the date publication of those rules in the Tamil Nadu Government Gazette.”

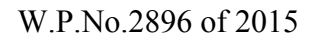
Therefore, it is crystal clear that for those persons appointed prior to the publication of these Rules, the qualifications prescribed in this G.O. would not apply. The aforesaid factor has not been taken note of by the authorities concerned. Consequently, the impugned order passed is without any legal basis. Accordingly, the Writ Petition is allowed and the impugned order of the second respondent dated 05.01.2015 is quashed. There shall be no order as to costs.

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Index : Yes/No
Internet : Yes
srn

To

1. The Secretary to Government,



3.The Conservator of Forests, Vellore Circle, Vellore.



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P.T.ASHA, J.

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