



W.P.No.15782 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.15782 of 2020

and

W.M.P.Nos.19621 of 2020, 699 & 25071 of 2021

M.Harikrishnan

...Petitioner

-Vs-

- 1.The State of Tamil Nadu
Rep by its Additional Chief Secretary to Government,
Department of Environment & Forests,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Building,
Saidapet,
Chennai – 600 015.
- 3.The Member Secretary,
Tamil Nadu Forest Uniformed Services
Recruitment Committee (TNFUSRC)
No.1, Jeenis Road,
Panagal Maaligai,
No.8-D, Floor, Saidapet,
Chennai – 600 015.
- 4.The Wildlife Warden,
Nagapattinam.



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5.The District Forest Officer,
Thiruvarur.

...Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records in pursuant to the 1st impugned order issued by the second respondent in proceedings Rc.No.AB2/9806/2020 dated 29.08.2020 and the consequential 2nd impugned order issued by the 4th respondent in proceedings Na.Ka.No.2663/2020.Pa dated 18.09.2020 and the subsequent 3rd impugned order issued by the 5th respondent in proceedings Se.Mu.No2910/2020/Pa dated 21.09.2020 and quash these orders and consequently direct the respondents to reinstate the petitioner in the post of Forest Guard with Driving Licence with all consequential service and monetary benefits and to pass such further orders.

For Petitioner : Mr.K.S.Viswanathan
Senior Counsel

For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the 1st impugned order issued by the second respondent in proceedings Rc.No.AB2/9806/2020 dated 29.08.2020 and the consequential 2nd impugned



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order issued by the 4th respondent in proceedings Na.Ka.No.2663/2020.Pa dated 18.09.2020 and the subsequent 3rd impugned order issued by the 5th respondent in proceedings Se.Mu.No2910/2020/Pa dated 21.09.2020 and quash these orders and consequently direct the respondents to reinstate the petitioner in the post of Forest Guard with Driving Licence with all consequential service and monetary benefits.

2. The Tamil Nadu Forest Uniformed Services Recruitment Board had issued notification dated 06.10.2018 in Advertisement No.1/2018 for recruitment to the posts of Forest Guard & Forest Guard with Driving Licence. The Petitioner participated in the recruitment for the posts of Forest Guard and Forest Guard with Driving Licence. The petitioner was provisionally selected for the post of Forest Guard with Driving Licence and was allotted to the Thanjavur Division vide order dated 02.03.2019. The 4th respondent issued appointment order dated 21.03.2019 appointing the petitioner to the post of Forest Guard with Driving Licence. Subsequently, the petitioner was transferred and posted as Forest Guard with Driving Licence to the Forest Range Officer, Muthupet Division. The 2nd respondent issued the 1st impugned order of cancellation of appointment of the petitioner



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on 29.08.2020 on the ground that there was a discrepancy in his First Aid Course Certificate. The 5th respondent issued an order dated 15.09.2020 directing the petitioner to report before the 4th respondent with all his certificates. But even before the petitioner could report before the 5th respondent, the 4th respondent issued an order dated 18.09.2020 cancelling the appointment of the petitioner. Subsequently, the 5th respondent issued an order dated 21.09.2020, removing the petitioner from service. Hence the present Writ Petition is filed.

3. Learned senior counsel appearing for the petitioner would submit that since the petitioner was in doubt whether the Diploma in First Aid & Emergency Care from Nehru Skill Development Mission would be acceptable for appointment to the Forest Guard with driving licence. Subsequently, he completed a course in First Aid from St.John's Ambulance in the year 2019. Pursuant to the notification dated 06.10.2018, the petitioner participated in the recruitment for appointment to the post of Forest Guard & Forest Guard with Driving Licence. The petitioner's registration number was 18020042898, and he was successful in the examination and was called for certificate verification for appointment to the post of Forest Guard with



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Driving Licence.

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4. Learned senior counsel would further submit that the petitioner had also undergone the necessary training for the post of Forest Guard with Driving Licence. In the meantime the petitioner had also received his First Aid Course Certificate from St.John Ambulance. **Before issuing the above said impugned orders, the petitioner was not issued with any show cause notice. The only reason assigned in the impugned orders is that there was some discrepancy in his First Aid Course Certificate. The petitioner was neither informed what was the discrepancy in his certificate nor he was asked to submit his explanation on the alleged discrepancy in his certificate.**

5. It is further submitted that the 4th respondent issued an appointment order dated 21.03.2019 appointing the petitioner to the post of Forest Guard with Driving Licence. **However, the 2nd respondent issued the 1st impugned order of cancellation of appointment of the petitioner on 29.08.2020 after a delay of 1 ½ years on the ground that there was a discrepancy in his First Aid Course Certificate.**



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6. Learned counsel submitted that at the time of admission of the writ petition, this Court was pleased to grant an order of interim stay in W.M.P.No.19621 of 2020 in W.P.No.15782 of 2020 dated 05.11.2020 and the same is in force till date. In view of the above, the petitioner is continuing in service till date.

7. The counter affidavits were filed on behalf of respondents 1 to 3 dated 30.03.2021 and on behalf of the 5th respondent dated 09.09.2021.

8. Learned Government Advocate appearing for the respondents would submit that the Certificate Verification process for the said examination was conducted from 28.01.2019 to 30.01.2019. The petitioner has to produce a valid First Aid Certificate during the certificate verification, but he produced a forged First Aid certificate that was not issued in his name, and he has affixed his signature in the forged certificate. This was exposed during critical scrutiny of the First Aid Certificates produced by the candidates. The petitioner during the examination process has relied on a fraudulent certificate for securing the post. Thus, during the examination process, the petitioner was not qualified as per the Tamil Nadu Forest



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Uniformed Services Recruitment Committee Notification for the post of Forest Guard with Driving Licence and by misleading the authorities in the shade of a fraudulent certificate, he usurped the post meant for some other candidate. It is pertinent to note that the petitioner submitted another certificate on a later date, which reveals that, at the time of recruitment, he was not in possession of First Aid certificate and was not qualified for the post.

9. Learned Government Advocate would further submit that as per the Information Brochure of Tamil Nadu Forest Uniformed Services Recruitment Committee clause 17(iv) related to Advertisement No.1/2018, dated 06.10.2018 and condition 4(iii) of the appointment order dated 02.03.2019, the following conditions are issued to the Candidates:-

17. Other conditions: (Information Brochure of TNFUSRC)

iv) The claims of the candidates with regard to the date of birth, educational / technical qualifications, Community, special qualification like Persons Studied in Tamil Medium, Differently Abled, experience, optional subject, language, etc. are accepted only based on the details furnished by them in their applications. The admission of candidature therefore will be provisional and subject to satisfaction of the TNFUSRC about their above said criteria like age, educational / technical qualifications, community etc. Mere admission to the interview or inclusion of name in the list will not confer on the candidates any right for appointment.



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The candidature is therefore, provisional at all stages and the TNFUSRC reserves the right to reject any candidature at any stage, even after the selection has been made when anything wrong claim or violation is confirmed.

Condition 4(iii) of the appointment order:-

The candidates should produce all the original certificate regarding as Educational Qualification, Community certificate, etc. for verification and two set of self-attested copies while reporting for appointment before respective circle/division offices. If any of the certificates produced by the candidates He found as false on a later date, their training and appointment will be cancelled without further notice besides appropriate action as per rules.

10. Thus, as per the recruitment rules in force, if it is ascertained that the basis of securing the appointment is by fraudulent means, the candidature of the candidates can be cancelled at any point of time. It is after the critical scrutiny of certificates by the Tamil Nadu Forest Uniformed Services Recruitment Committee that it was revealed that the petitioner has secured the post by means of fraudulent means, and his candidature was cancelled as per clause 17(iv) of the Information Brochure and recruitment condition 4(iii).

11. Moreover, the petitioner himself admitted before this Court in para 6 of his affidavit that he received the First Aid Course certificate from St. John Ambulance only after recruitment process was over. Thus the petitioner



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was aware that he is ineligible for the post of Forest Guard with Driving Licence.

12. It is further submitted that the appointments of uniformed staffs were made following the conditions mentioned in the recruitment rules. The petitioner applied for the post only after understanding the notified recruitment rules. Thus, he was aware that unless the qualifications and conditions were fully satisfied as per the recruitment rules, he would not acquire any substantive right to the post. Moreover, submitting a false certificate, the very basis of the petitioner's appointment became illegal based on recruitment rules and his appointment is no appointment in the eyes of law. Thus, he cannot claim a right to the post as he had usurped the post meant for some other candidate by playing a fraud and producing a false certificate.

13. It is pertinent to note that the termination was not the consequence of a departmental enquiry and is not punitive in nature. The termination was based on the same recruitment rules by which the petitioner was selected for the post after furnishing a false certificate and suppressing factual information.



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14. Heard both sides and perused the materials available on record.

15. In the case on hand, the petitioner was selected after the certificate verification to the post of Forest Guard with Driving Licence on 21.03.2019. At the time of the certificate verification, the petitioner has produced the First Aid Certificate. Since the petitioner was in doubt whether the Diploma in First Aid & Emergency Care from Nehru Skill Development Mission would be acceptable for appointment to the Forest Guard with Driving Licence, he completed a course in First Aid from St.John's Ambulance, i.e., after the date which was scheduled for the Certificate Verification process from 28.01.2019 to 30.01.2019.

16. It is pertinent to note that the petitioner has submitted his certificate one day after the above mentioned period, i.e., on 31.01.2019. However, the said certificate was issued very much before the appointment order was issued to the petitioner on 21.03.2019. The certificate which the petitioner submitted is in the name of one Thiru.P.Kulothungan and not in the name of the petitioner namely, Thiru.M.Harikrishnan. But the Scrutiny Officer during verification did not verify the name properly, and he has come to the conclusion that



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bogus and forged certificate was produced by the petitioner.

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17. The main contention of the respondents is that the petitioner submitted a bogus and forged certificate in his place. The 2nd respondent has passed an order dated 29.08.2020 instructing the 4th and 5th respondents to take action.

18. There is no submission of a bogus or forged certificate by the petitioner for the reason that the certificate was not issued in the name of the petitioner. Hence the contention of the respondents that the petitioner has submitted a bogus is unsustainable and untenable in law. The certificate was issued on behalf of some other person, by name, Thiru.P.Kulothungan. If the verification was done properly, the Authorities would have noticed that the certificate is in the name of one Thiru.P.Kulothungan and have asked the petitioner to submit the certificate in his name, but they miserably failed to do so, and it shows the negligence and lethargic attitude on the part of the respondents in the verification of the documents. It is pertinent to mention that the petitioner was already in possession of certificate dated 31.01.2019,



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much prior to the order of the 1st respondent cancelling the appointment of the petitioner.

19. It is pertinent to note that the 5th respondent has issued an order dated 15.09.2020 directing the petitioner to report before the respondents to produce all his certificates. Thereafter, the order was passed by the 4th respondent dated 18.09.2020, removing the petitioner from service within 3 days in an hurried manner without giving sufficient time for the petitioner to submit his certificates. The impugned order of removal of service was issued dated 18.09.2020 within 3 days from the date of order, i.e., on 15.09.2020 issued by the 5th respondent directing the petitioner to report before the 4th respondent to produce all his certificates.

20. It is also pertinent to note that the order passed by the 2nd respondent dated 29.08.2020 removing the petitioner from service is much before directing the petitioner to report before the 4th respondent with all his certificates for verification which is arbitrary and with a *mala fide* intention.



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21. Hence it is crystal clear and evident that the petitioner has not submitted any bogus certificate and forged certificate as contended by the respondents.

22. This Court at the time of admission of the writ petition, had granted an order of interim stay in W.M.P.No.19621 of 2020 in W.P.No.15782 of 2020 dated 05.11.2020, which is in force till date. In view of the same, the petitioner is continuing in service till date.

23. In view of the above facts and circumstances of the case, this Court is of the considered view that the petitioner has not submitted any bogus or forged certificate, and he has produced the required certificate. The certificate produced by the petitioner in completing the first aid course at St.John's Ambulance dated 31.01.2019, and the same was issued much before the issuance of the appointment order dated 21.03.2019. Hence the 1st impugned order issued by the second respondent in proceedings Rc.No.AB2/9806/2020 dated 29.08.2020 and the consequential 2nd impugned order issued by the 4th respondent in proceedings Na.Ka.No.2663/2020.Pa dated 18.09.2020 and the subsequent 3rd impugned order issued by the 5th respondent in



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proceedings Se.Mu.No2910/2020/Pa dated 21.09.2020 are liable to be quashed and accordingly the same are hereby quashed.

24. The respondents are directed to reinstate the petitioner in the post of Forest Guard with Driving Licence with all consequential service and monetary benefits within a period of 3 months from the date of receipt of a copy of this order.

In the result, **the writ petition stands allowed with the above observations and directions.** No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2024

cda
Index : Yes
Speaking Order
Neutral Citation : Yes



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To

- 1.The Additional Chief Secretary to Government,
The State of Tamil Nadu
Department of Environment & Forests,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Building,
Saidapet,
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- 3.The Member Secretary,
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J.SATHYA NARAYANA PRASAD, J.

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