



W.P.Nos. 18301 and 19707 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos. 18301 and 19707 of 2020

W.P. No. 18301 of 2020

D.Koothan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Forest and Environment (FR-2) Department,
Fort St. George,
Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Saidapet, Chennai – 600 015.

3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to include the petitioner name in the panel for promotion to the post of



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Forester for year 2018-2019 (as on 15.08.2018) in the appropriate place therein on that basis promote him as Forester with consequential service and monetary benefits.

W.P. No. 19707 of 2020

T.Rajendran

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Forest and Environment (FR-2) Department,
Fort St. George,
Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Saidapet, Chennai – 600 015.

3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent issue directions to the respondents to include the name of the petitioner in the ensuring panel for promotion to the post of Forester for year 2019-2020 in the appropriate place therein on that basis promote him as Forester with consequential service and monetary benefits.



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For Petitioner
in both W.Ps : Mr. T.Dharani

For Respondents : Dr. T.Seenivasan,
in both W.Ps Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed for directing the second respondent to include the petitioners' name in the ensuing panel for promotion to the post of Foresters for the years 2018-2019 and 2019-2020 and at an appropriate place.

2. The petitioners were served as Social Forestry Watchers on a daily wage basis from Dharmapuri Forest Division, and by virtue of G.O. Ms. No. 64, Environment and Forest Department dated 08.05.1999, and the orders passed by the Tamil Nadu Administrative Tribunal dated 22.11.2002, the petitioners' names were included in the State-wide seniority list. Subsequently, the petitioners were promoted to the post of Forest Watchers and completed their probation period. Thereafter, their names were included in the panel for promotion as Forest Guards. They were promoted to the



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post of Forest Guards and underwent induction training at the Forest Training College, Vaigai Dam.

3. While that being so, the petitioners and others filed a Writ Petition before this Court to appoint them in regular time-scale as Forest Watchers, taking into account their seniority and qualification on par with their juniors. As directed by this Court, their services were to be regularized on par with their juniors from the date on which their juniors were regularized. However, the said direction was not complied with. Similarly placed persons had filed a batch of Writ Petitions and they were granted promotion as Forest Guards on the same date on which their juniors were promoted. The petitioners submitted representations claiming promotion to the post of Forester on the ground that they had completed eight years of service as Forest Guards and, as such, they are eligible and qualified for inclusion in the panel for promotion as Foresters for the years 2018-2019 and 2019-2020.



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4. On a perusal of the counter affidavit filed by the third respondent, it is revealed that though the petitioners had completed eight years of service and completed 6 months of training, they had not qualified with the prescribed minimum general educational qualification of 10th Standard at the crucial date of the panel on 15.08.2018 for promotion to the post of Forester. Therefore, the petitioners are not eligible for inclusion of their names in the panel for promotion to the post of Forester.

5. As per the Tamil Nadu Forest Subordinate Service Rules, for the post of Forester, there are two modes in which by direct recruitment and by promotion. The promotion to the post of Forester from the post of Forest Guard must possess the minimum general educational qualification specified in the schedule to the general rules and must have rendered satisfactory service in the cadre of Forest Guard, as the case may be, for not less than eight years. Though the petitioners had served for a period of not less than eight years in the post of Forest Guard, they did not possess the minimum general educational qualification as specified in the schedule to



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the general rules.

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6. As per Schedule-I of the Tamil Nadu State and Subordinate Services Rules to the general rules, a pass in the Secondary School Leaving Certificate Examination with eligibility for admission to College Course of studies in the Universities in this State or a pass in the Secondary School Leaving Certificate Examination of this State.

7. Admittedly, the petitioners did not possess the minimum educational qualification of 10th Standard. Therefore, the request of the petitioners cannot be considered, and both the Writ Petitions are devoid of merits and liable to be dismissed.

8. In the result, these Writ Petitions are dismissed. No costs.

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Index: Yes/No
Neutral Citation/Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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