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W.P(MD)No.20159 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 31.07.2024

Pronounced on : 12.08.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20159 of 2022

and

W.M.P(MD)Nos.12471 & 12472 of 2023

C.Selva Raja Arasan

.... Petitioner

Vs.

1.The State represented by
The Principal Secretary,
Environment and Forests Department,
Secretariat,
Chennai – 600 009.

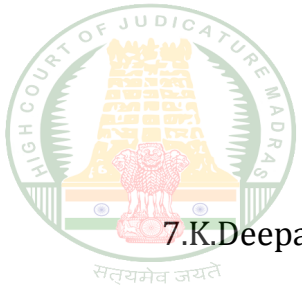
2.The Member Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
V.O.C.Nagar,
Chennai – 600 003.

3.G.Athilingam

4.A.Meena

5.R.Santhosh

6.Muthumani



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7.K.Deepa

8.S.Suresh Ramanan

9.T.Brindha

10.N.Ajay

11.N.Balasubramani

12.R.Jinoblessil

13.E.Balamurugan

14.G.Ranjith

15.A.Kanimozhi

16.S.Nithya

17.D.Aswini

18.A.Manjuhashini

19.G.Adhiyamaan

20.S.Parthiban

21.T.Shivaji

22.S.Askari

23.S.Kumar

24.M.Sureshkrishnan

25.G.Nirmala

26.S.Ponnammal

27.K.Venish



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28.M.Karthick

29.M.Murugan

30.M.Sayadevi

31.S.Dhivyalakshmi

32.M.Ramprakash

33.P.Sathishkumar

34.S.Shanthini

35.S.Mahendran

36.K.Gokilakannan

37.B.Venkateshwaran

38.T.Arunkumar

39.A.Adhirai

40.S.Tamilarasan

41.M.Ganesh

42.P.Prabakaran

43.R.Mounika

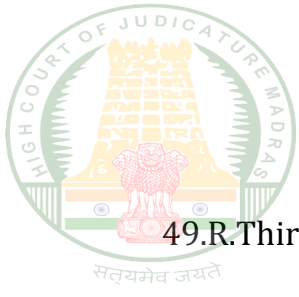
44.T.Sussendranath

45.N.Divya

46.D.Saranya

47.R.Pavithra

48.M.Sathya



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49.R.Thirunirai Selvan

50.U.Kavin

51.G.Muralidharan

52.M.Saidhani

53.K.Karthikeyan

54.R.Gokul

55.D.Krishna Kumar

56.S.Priya

57.T.Pavithra

58.G.Yogeshwaran

59.D.Raja

60.D.Dharmaraja

61.K.Giritharan

62.M.Joseph Stalin

63.R.Deepakkumar

64.P.Anbarasi

65.P.Gomathi

66.M.Jananie

67.M.Indhumathi

68.E.M.Gunaseelan

69.K.Manikandan



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70.C.Suganthan

71.M.Sundaravel

72.M.Prabhu

73.M.Thirumurugan

74.K.Prabaharan

75.P.Ramesh

76.K.Pasupathi

77.S.Selvakumar

78.N.Krishnakumar

79.M.Pradeepa

80.S.Sathamhusainkhan

81.R.Sasee Hari Priya

82.S.Indu

83.S.Subash

84.M.Megala

85.S.Magesh

86.V.Thirumurugan

87.P.Rajasekaran

88.R.Sasikumar

89.T.Sathishkumar

90.S.Johnpeter



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91.M.Thilagavathi

92.E.Sarumathi

93.P.Bhuvanesh

94.R.Ayyanar

95.M.Kayathri

96.M.Sakthivel

97.M.Shanmugam

98.R.Saravanakumar

99.C.Veeramani

100.S.R.Shrigokul

101.A.Shanthinipriya

102.M.Sangareswari @ Nagajothi

103.K.Dineshkumar

104.M.Manoranjitham

105.M.Divakar

106.C.Karventhan

107.C.N.Hari Prasath

108.B.Ashok Kannan

109.M.Satheeshkumar

110.S.Hussain

111.D.Manivenkatesh



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112.S.Sivasankaran

113.M.Selvarani

114.K.Sudhakar

115.M.Sujitha

116.M.Mahendran

117.O.Ranganathan

118.D.Arulkumar

119.S.Myvizhi

120.M.Muralitharan

121.S.Tamilselvan

122.S.Gowsikaa

123.K.Ranjith

124.S.Sakthivel

125.K.Aalayamani

126.M.Yuvarajkumar

127.S.Suresh

128.N.Kanagaraj

129.D.Jansirani

130.N.Lavanya

131.M.Shanthikumari

132.R.Duraibabu



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133.K.Murugan

134.P.Rajaguruvu

135.M.Muniyappan

136.P.Maina

137.K.MDMohideen Abdul Kather Jailani

138.M.Vinobha

139.M.Nithyakalyani

140.M.Poovendhan

141.D.Pavithra

142.M.Prathab

143.M.Prabakaran

144.A.Ravi Perumal

145.B.C.Rumya

146.V.Sowmiya

147.M.Jayalakshmi

148.G.Sandhiya

149.R.Sampath

150.P.Rathiesh

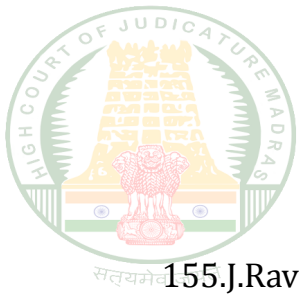
151.J.Naveenkumar

152.G.Dineshkumar

153.M.Suresh

154.B.Palanikumaran

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155.J.Ravi

156.K.Sivananthan

157.A.Bharathidasan

158.M.Balusamy

... Respondents

Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned final selection list of the respondents 3 to 158 for appointment to the post of Forest Apprentice in the Tamil Nadu Forest Sub-Ordinate Service under Direct Recruitment vide his proceedings in No.NIL, dated NIL and the quash same as illegal, arbitrary and thereby direct him to prepare fresh selection list for appointment to the said posts by strictly following the selection process contemplated in Clause 10 of his own Notification dated 04.07.2018 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R.1

Mr.V.Panner Selvam
Standing Counsel for R.2



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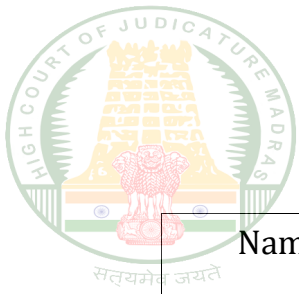
Mr.M.Maran
for R.53, R.56, R.79, R.86, R.132 & R.135

No Appearance for R.4 to R.6, R.9 to R.12,
R.14, R.16 to R.18, R.20, R.22, R.23, R.29
to R.33, R.37, R.38, R.40, R.42, R.43, R.45
to R.47, R.49 to R.51, R.55, R.57 to R.63,
R.65, R.66, R.73, R.74, R.76, R.81, R.83,
R.84, R.87, R.88, R.90 to R.92, R.94, R.96,
R.97, R.99, R.100, R.102, R.105, R.107,
R.108, R.111, R.111 to R.115, R.121 to
R.124, R.126, R.127, R.130, R.133, R.136,
R.137, R.139 to R.145, R.147, R.149 to
R.151, R.153 & R.156

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

2.The case on hand pertains to recruitment to the post of Forest Apprentice in Tamil Nadu Forest Subordinate Service. Notification dated 04.07.2018 was issued by TNPSC inviting applications from eligible candidates for filling up 148 regular vacancies and 10 Schedules Caste shortfall vacancies. The educational qualification for the post is as follows:



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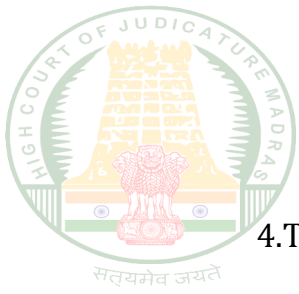
Name of the post (1)	Educational Qualification (2)	Preferential Qualification (3)
Forest Apprentice	(a) Must possess a Bachelor's degree in Forestry or its equivalent degree of any Institution or University recognized by UGC. <u>OR</u> (b) Must possess a Bachelor's Degree or its equivalent degree in any <u>one</u> of the following subjects from any Institution or University recognized by UGC. 1. Agriculture 2. Animal Husbandry and Veterinary Science 3. Botany 4. Chemistry 5. Computer Applications / Computer Science 6. Engineering(All Engineering subjects including Agricultural Engineering) 7. Environmental Science 8. Geology 9. Horticulture 10. Marine Biology 11. Mathematics 12. Physics 13. Statistics 14. Wildlife biology 15. Zoology	Only if suitable candidates with the educational qualification referred to in item (a) in column (2) are <u>not</u> available for selection, candidates with qualification referred to in item(b) will be considered for selection process in the respective communal categories.



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The candidates were to take part in written test, physical test and oral test. The petitioner successfully cleared the written test as well as the physical test. He was however not called for certificate verification and oral test. Challenging the same, the petitioner filed W.P(MD)No.11149 of 2019. When the writ petition was taken up for disposal on 21.06.2022, it was submitted by the respondents that certificate verification and oral test was completed and the final list of selected candidates was published on 20.08.2019 and the selected individuals have also been issued with appointment orders. The petitioner was given liberty to file a fresh writ petition challenging the final selection list. The petitioner was also mandated to implead the selected candidates individually. Availing the said liberty, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He also filed detailed written notice. He also submitted that at present there are vacancies. On instructions of the petitioner, the petitioner's counsel submitted that the petitioner will be satisfied if he is issued with the order of appointment now and if the seniority and service benefits are reckoned from the date of appointment. He called upon this Court to grant relief by taking note of the aforesaid submission.



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4.The official respondents have filed counter affidavit. It is submitted that selection was made only in consonance with the recruitment rules. It is pointed out that the petitioner is a non-forestry candidate. Since there were sufficient number of candidates having forestry qualification, the petitioner could not make it even though he was more meritorious. It is true that 4 non-forestry candidates who scored marks lower compared to the petitioner were also appointed. But they fell under the differently abled category. The petitioner cannot compare himself to them. The respondents called upon this Court to sustain the selection list and dismiss the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. Column No.3 of Clause 5(B) of the impugned notification reads as follows:

“Only if suitable candidates with the educational qualification referred to in item (a) in column (2) are not available for selection, candidates with qualification referred to in item(b) will be considered for selection process in the respective communal categories.”

Of course, the Hon'ble Supreme Court has held that the rule of preference will have to be applied in such a manner so that if two candidates are evenly placed,



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the person having the preferential qualification is selected. Preference, in the context of all such competitive scheme of selection would only mean that other things being qualitatively and quantitatively equal, those with the additional qualification have to be preferred. There is no question of eliminating all others preventing thereby even an effective and comparative consideration on merits, by according en bloc precedence in favour of those in possession of additional qualification irrespective of the respective merits and demerits of all candidates to be considered. **[vide Secretary, A.P.Public Service Commission Vs. Y.V.V.R.Srinivasulu (2003) 5 SCC 341].**

7. The aforesaid case may not have applicability to the case on hand. However, I am inclined to grant relief in favour of the petitioner. It is made clear that the maximum marks that can be scored by the candidate will be 1020. The minimum qualifying mark for selection for the reserved category is 306 and for the general candidates is 408. In other words, a person who has scored below 306 cannot be selected. Since there are sufficient vacancies and the petitioner states that the service benefits shall be reckoned from the date of appointment, without disturbing the impugned selection list, I direct the second respondent to verify the petitioner's credentials and also hold special oral test for him. Subject to clearing both the stages, the petitioner shall be considered as a selected candidate. The second respondent will thereafter send supplementary selection



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list to the first respondent. The first respondent shall issue formal appointment order appointing the petitioner as Forest Apprentice. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

8.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.08.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Principal Secretary,
Environment and Forests Department,
Secretariat,
Chennai – 600 009.



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G.R.SWAMINATHAN, J.

MGA

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