



WP.(MD).No.29677 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.29677 of 2023

C.Thavasumani

... Petitioner

Vs.

1.State of Tamil nadu,
Rep. By its Additional Chief Secretary,
Environment and Forest Department,
Fort. St. George,
Chennai -9.

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent no.1 to pass orders on the proposal submitted by the respondent no.2 vide Ref.No.S1/18112/2018 dated 26.12.2018.

For Petitioner	: Mr.T.Aswin Raja Simman
For Respondents	: Mr.S.Shaji Bino Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of



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Mandamus, seeking to direct the 1st respondent to pass orders on the proposal submitted by the 2nd respondent vide Ref.No.S1/18112/2018 dated 26.12.2018.

2.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i)The petitioner was appointed on compassionate ground in the post of Junior Draughting Officer in the Forest Department on 09.07.2019 by the Principal Chief Conservator of Forest. However, he was not permitted to join duty and the order of appointment was not given effect. Hence, he filed a Writ Petition in W.P.(MD)No. 18960 of 2020 and this Court vide order dated 05.01.2021, directed the Principal Chief Conservator of Forests to pass orders on the petitioner's representation dated 03.12.2020, seeking appointment. Following which, the Principal Chief Conservator of Forest vide his letter dated 29.07.2021 informed that as per the existing Rules, persons with Diploma from the College of Engineering, Guindy alone are eligible for the post of Junior Draughting Officer. However, the said Diploma Course is no longer in vogue, since the same is not offered in the College of Engineering, Guindy. Hence, the Principal Chief Conservator of



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Forest had sent a proposal for amending the educational qualification for the post of Junior Draughting Officer as Diploma in Engineering Civil or Mechanical in the State Board of Technical Education and Training instead of Guindy Engineering College. It is also informed to the petitioner that his case could be considered only after the amendment being carried out by the Government.

(ii) In the meanwhile, on 06.01.2022, the second respondent passed an order rejecting the petitioner's claim to get appointed in the post of Junior Draughting Officer summarily since, he is not eligible or qualified for the post of Junior Draughting Officer as per Section 12 of the Tamil Nadu Forest Subordinate Service Rules mandating Diploma from the College of Engineering, Guindy. However, it is made clear in the said rejection order dated 06.01.2022 that the said rejection is subject to the issuance of amendment to the Tamil Nadu Forest Subordinate Service Rules, which is pending with the Government and that the petitioner may be considered for the post of Junior Draughting Officer once the amendment comes into force. It was also suggested that he may apply for any other posts, for which he is eligible as on date. Following which, the petitioner made a fresh representation on



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25.11.2023 requesting to pass orders upon the proposal submitted by the second respondent vide proceedings dated 26.12.2018. However, the same was not considered. Hence, this Writ Petition came to be filed.

3.The second respondent has filed a counter and the learned Special Government Pleader appearing for the respondents submitted that the amendment proposal to amend Tamil Nadu Forest Subordinate Service Rules (Section 12) has already been sent to the Government vide the second respondent proceedings dated 26.12.2018. However, the same is purely a policy decision of the Department and Government. After extensive deliberation and correspondence between the office of the second respondent and the Government, revised amendment proposal has been sent by the second respondent vide proceedings dated 10.03.2023, with many changes in the qualification and eligibility not only for the post of Junior Daughting Officer but also for many other posts in Tamil Nadu Forest Subordinate Service Rules (Section 12).

4.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents



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and carefully perused the entire materials available on record.

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5.Recording the aforesaid submission, this Court hereby direct the Government to act upon the proposal sent by the second respondent vide proceedings dated 10.03.2023 and pass appropriate orders in accordance with law within a period of six months from the date of receipt of copy of this order.

6.In view of the above, this Writ Petition stands disposed of.
There shall be no order as to costs.

19.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The Additional Chief Secretary,
Environment and Forest Department,
Fort. St. George,
Chennai -9.

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

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L.VICTORIA GOWRI, J.

Mrn

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