



W.P.No.5213 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.5213 of 2018 and
W.M.P.No.6384 of 2018

P.Suseela

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Secretary,
Environment & Forest Department,
Fort St George,
Chennai-600 009.

2.The Principal Chief Conservator of Forest,
Panagal Buildings,
No.15, Jennis Road,
Saidapet,
Chennai-15.

... Respondents

PRAYER: Writ Petition is 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 made in proceedings No.AB1/16264/2017 dated 16.08.2017, in so far as not selecting the petitioner's candidature in Serial No.14 and quash the same and consequently, direct the respondents to declare her name as selected for the post of Forester by transfer of service from the members of Tamil Nadu Ministerial Service for the year 2014-2015.



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For Petitioner : Ms.Selvi George

For Respondents : Mr.S.Rajesh, GA

ORDER

This Writ Petition has been filed to call for the records on the file of the second respondent made in proceedings No.AB1/16264/2017 dated 16.08.2017, in so far as not selecting the petitioner's candidature in Serial No.14 and quash the same and consequently, direct the respondents to declare her name as selected for the post of Forester by transfer of service from the members of Tamil Nadu Ministerial Service for the year 2014-2015.

2. Heard Ms.Selvi George, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner belongs to Scheduled Caste (Arunthathiyar Community) and she was appointed as Typist in the Tamil Nadu Forest



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Department on 26.07.2013 and her probation was also declared on 25.07.2015.

4. The case of the petitioner is that she is fully eligible to be appointed as Forester by transfer of service from the Tamil Nadu Ministerial Service to the Forest Department as per Rule 4 of the Tamil Nadu Forest Subordinate Service Rules, for appointment by transfer as Forester. The petitioner was fully qualified to be appointed as Forester by transfer as early as in the year 2015-2016 and she has also applied for the same and subsequently, she was directed to undergo walking test and medical test and the petitioner also completed the same successfully. When the eligible candidates list was called for with the crucial date viz., 15.08.2015, the petitioner's age was 36 years, 2 months and 18 days. However, the upper age limit prescribed for SC & ST candidates is 37 years and hence, she was fully qualified and eligible to be appointed as a Forester. However, the second respondent vide proceedings dated 16.08.2017 had not included any member including the petitioner from the Ministerial Service in the select list drawn by him. Aggrieved over the same, the petitioner has filed the present Writ Petition.



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WEB COPY 5. The learned Government Advocate for the respondents submitted

in this regard that a Writ Petition has been filed by the similarly placed person like the petitioner in W.P.(MD) No.13015 of 2016 and the same was dismissed on 05.07.2017 with a direction to the respondents therein to proceed further to take action for promotion to all the eligible candidates. Pursuant to the said order, 13 persons were selected to the post of Forester by recruitment by transfer for the year 2016-17 by considering the crucial date as 15.08.2016. As per Rule 4(a) of the Tamil Nadu Forest Subordinate Service Rules, the age limit should be arrived with 1st July of a year in which the selection is made. As per the said Rule, any transfer made beyond the age of 35 years, is not eligible to be appointed to the post of Forester. Since the petitioner is above 35 years as on 1st July of 2016, she could not be considered for promotion.

6. The in-service candidates could be appointed to the post of Forester, if they are found to be possessing the qualification required for the same. As the petitioner had born on 27.05.1979, her age as on 1st July 2016 would have crossed 37 years and if the petitioner born during any day



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subsequent to 01.07.2016, she would have found to be eligible for the recruitment to the post of Forester through transfer. The matter lies in a narrow campus only in view of the age ineligibility of the petitioner. Then, it is upto the first respondent to consider the claim of the petitioner with regard to the relaxation of age of the petitioner as a special case.

7. In view of the above observation, this Writ Petition is disposed and the petitioner is at liberty to give a fresh representation to the respondents to consider her claim seeking age relaxation for the purpose of appointment as Forester, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents are directed to consider the same on merits and in accordance with law and pass appropriate orders within a period of six weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

1.The Secretary,
Environment & Forest Department,
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Chennai-600 009.

2.The Principal Chief Conservator of Forest,
Panagal Buildings,
No.15, Jennis Road,
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