



W.P.No.6412 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6412 of 2015

and

M.P.Nos.1 & 2 of 2015

1.K.Sathiya Pillai

2.D.Koothan

3.K.Jayaraman

4.C.Gavarani

5.P.Ramamoorthy

6.P.Subramani

7.M.Perumal

8.K.Sambu

9.P.Ramachandran

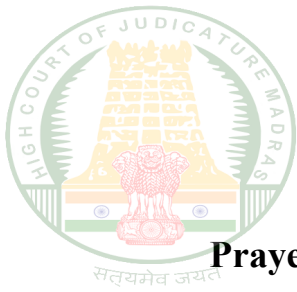
... Petitioners

Vs.

1.Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Environment & Forest Department,
Secretariat, Chennai 600 009.

2.The Principal Chief Conservator
of forest and Head of Forest Force,
Panagal Building, Saidapet,
Chennai – 600 015.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to prepare the panel for promotion to the post of Foresters for the year 2013-14 on the basis of the unamended Special Rules for Tamil Nadu Forest Sub-ordinate Service which was in force as on the crucial date of drawal of the panel i.e., 15.08.2013 without reference to the amendment to Rule 6(ii) of the Special Rules for the Tamil Nadu forest Sub-ordinate Service in the notification Appended to the said Government Order in G.O.Ms.No.76, Environment & Forests (FR.2) Department dated 10.07.2014 and to include the name of the petitioners in the appropriate place in the said panel and promote them as such with all consequential benefits.

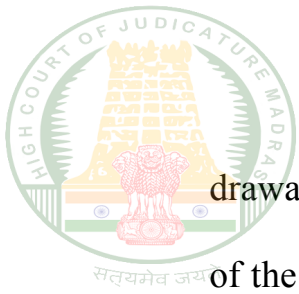
*Prayer amended as per order dated 24.03.2015 in M.P.No.3 of 2015 in W.P.No.6412 of 2015.

For Petitioners : M.Ravi

For Respondents : Mr.S.Rajesh
Government Advocate.

ORDER

This writ petition has been filed seeking writ of mandamus directing the 2nd respondent to prepare the panel for promotion to the post of Foresters for the year 2013-2014 on the basis of unamended Special Rules for Tamil Nadu Forest Sub-ordinate Service that were in force as on the crucial date of



drawal of panel i.e., 15.08.2013 without reference to the amended Rule 6(ii) of the Special Rules amended through G.O.Ms.No.76 Environment & Forests FR.2 Department dated 10.07.2014 and to include the name of the petitioners at the appropriate place for the panel for the year 2013-2014 and to promote them to the post of Foresters.

2. The case of the petitioner is that they were initially appointed as Plot Watcher during the years 1976-1980 and thereafter, they were promoted to the post of Forest Watcher during the years 1999-2003 and then, further promoted to the post of Forest Guard during the years 2005-2009. According to the petitioners, they were eligible for being considered for promotion to the post of Foresters during the panel year 2013-2014 for which the crucial date happens to be 15.08.2013. But the respondents who are supposed to prepare the panel as required under Rules for the year 2013-2014, failed to prepare the panel during the said panel year.

3. While so, the Special Rules for Tamil Nadu Forest Subordinate Service Rules came to be amended by amending column (1) and entries in item (a) of column (2) and column (3) in Rule 5 of the Special Rules in



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respect of the post of Foresters, duly prescribing the qualification of possessing the minimum general educational qualification specified in the Schedule to the General Rules, along with satisfactory service in the cadre of Forest Guard for a period of not less than 8 years. The said amended Rules came into force with effect from 09.07.2014. In terms of the amended Rule, all the petitioners herein became ineligible for being promoted to the post of Forester. Hence, the petitioner approached this Court by filing the present writ petition challenging the amendment made to the Special Rules referred to above under the Para 6 (ii) of G.O.Ms.No.76 dated 10.07.2014, contending that the vacancies that existed during the panel year 2013-2014 are required to be filled in as per the Rules that were in existence as on the crucial date i.e., 15.08.2013, but not as per the amended Rules that came into force with effect from 09.07.2014.

4. In response to the contention raised by the petitioners, respondents filed counter affidavit contending that the respondents have prepared a 'nil panel' during the panel years 2013-2014 and 2014-2015, in view of the pendency of the litigation before this Court in W.A.Nos.811 of 2011, 812 of 2011 & 817 of 2011, and it is only after the disposal of the said



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cases, all the vacancies were filled in during the panel year 2015-2016. It is also further contended that the vacancies were filled in terms of the amended Rules issued in G.O.Ms.No.76 dated 10.07.2014, and in view of the fact that the petitioners herein does not possess requisite qualification for promotion to the post of Forest Guard under the amended Rule, the case of the petitioners were not considered. Further, it is also stated that, none of the juniors to the petitioners herein were promoted to the post of Forester during the panel years 2013-2014 to 2015-2016. It is also further stated, that by the time the turn of the petitioners came up for consideration, the petitioners have retired from service.

5. The law with regard to applicability of the Rules is now well settled by virtue of the decision rendered by the Hon'ble Apex Court in the case of *State of Himachal Pradesh and Others Vs Raj Kumar and others* reported in (2023) 3 SCC 773, wherein the Hon'ble Apex Court, having declared the law laid down by the Hon'ble Apex Court in the case of *Y.V.Rangaiah and Others Vs. J.Sreenivasa Rao and Others*, reported in (1983) 3 SCC 284, as not good law, held as under: para 28, 82 to 85.

“28. In view of the above principles, flowing from the constitutional status of a person in employment with the



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W.P.No.6412 of



State, we have no hesitation in holding that the observations in Rangaiah that posts which fell vacant prior to the amendment of Rules would be governed by old Rules and not by new Rules do not reflect the correct position of law. We have already explained that the status of a government employee involves a relationship governed exclusively by rules and that there are no rights outside these rules that govern the services. Further, the Court in Rangaiah case has not justified its observation by locating such a right on any principle or on the basis of the new Rules. As there are a large number of judgments which followed Rangaiah under the assumption that an overarching principle has been laid down in Rangaiah, we have to necessarily examine the cases that followed Rangaiah. We will now examine how subsequent decisions understood, applied or distinguished Rangaiah.

***82.** A review of the fifteen cases that have distinguished Rangaiah would demonstrate that this Court has been consistently carving out exceptions to the broad proposition formulated in Rangaiah. The findings in these judgments, that have a direct bearing on the proposition formulated by Rangaiah are as under:*

***82.1.** There is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose, Rangaiah case must be understood in the context of the rules involved therein.*

***82.2.** It is now a settled proposition of law that a candidate has a right to be considered in the light of the existing rules, which implies the “rule in force” as on the date consideration takes place. The right to be considered for promotion occurs on the date of consideration of the eligible candidates.*

***82.3.** The Government is entitled to take a conscious policy decision not to fill up the vacancies arising prior to the amendment of the rules. The employee does not acquire any vested right to being considered for promotion*



WEB COPY

W.P.No.6412 of



in accordance with the repealed rules in view of the policy decision taken by the Government. There is no obligation for the Government to make appointments as per the old Rules in the event of restructuring of the cadre is intended for efficient working of the unit. The only requirement is that the policy decisions of the Government must be fair and reasonable and must be justified on the touchstone of Article 14.

82.4. *The principle in Rangaiah need not be applied merely because posts were created, as it is not obligatory for the appointing authority to fill up the posts immediately.*

82.5. *When there is no statutory duty cast upon the State to consider appointments to vacancies that existed prior to the amendment, the State cannot be directed to consider the cases.*

83. *The above-referred observations made in the fifteen decisions that have distinguished Rangaiah case demonstrate that the wide principle enunciated therein is substantially watered-down. Almost all the decisions that distinguished Rangaiah hold that there is no rule of universal application to the effect that vacancies must necessarily be filled on the basis of law that existed on the date when they arose. This only implies that decision in Rangaiah is confined to the facts of that case.*

84. *The decision in Deepak Agarwal is a complete departure from the principle in Rangaiah inasmuch as the Court has held that a candidate has a right to be considered in the light of the existing rule. That is the rule in force on the date the consideration takes place. This enunciation is followed in many subsequent decisions including that of Union of India v. Krishna Kumar. In fact, in Krishna Kumar Court held that there is only a “right to be considered for promotion in accordance with rules which prevail on the date on which consideration for promotion takes place”.*



85. *The consistent findings in these fifteen decisions that Rangaiah case must be seen in the context of its own facts, coupled with the declarations therein that there is no rule of universal application to the effect that vacancies must necessarily be filled on the basis of rules which existed on the date on which they arose, compels us to conclude that the decision in Rangaiah is impliedly overruled. However, as there is no declaration of law to this effect, it continues to be cited as a precedent and this Court has been distinguishing it on some ground or the other, as we have indicated hereinabove. For clarity and certainty, it is, therefore, necessary for us to hold:*

85.1. *The statement in Y.V. Rangaiah v. J. Sreenivasa Rao that, “the vacancies which occurred prior to the amended Rules would be governed by the old Rules and not by the amended Rules”, does not reflect the correct proposition of law governing services under the Union and the States under Part XIV of the Constitution. It is hereby overruled.*

85.2. *The rights and obligations of persons serving in the Union and the States are to be sourced from the rules governing the services.”*

6. In the light of the above, the claim of the petitioners to fill up the vacancies that existed as on crucial date, i.e., 15.08.2013, in terms of unamended Rules does not stand to legal scrutiny, and the said contention cannot be accepted in the light of the settled legal position as noted above.



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7. Accordingly, this writ petition is dismissed. Connected

miscellaneous petitions, if any, shall stand closed. No costs.

15.07.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Environment & Forest Department,
Secretariat, Chennai 600 009.

2.The Principal Chief Conservator
of forest and Head of Forest Force,
Panagal Building, Saidapet,
Chennai – 600 015.



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MUMMINENI SUDHEER KUMAR, J.

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