



WEB COPY

WP No. 32894 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

THE HONOURABLE MRS JUSTICE V.BHAVANI SUBBAROYAN

**WP No. 32894 of 2023
and WMP No.32528 of 2023**

1. S.Nirmala Devi
Forest Guard Government Sandalwood
Sales Godown, Salem Forest Division,
Salem Salem District

Petitioner(s)

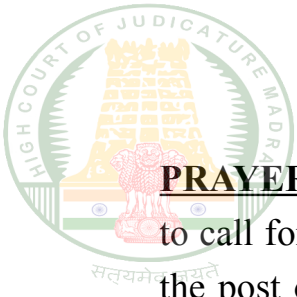
Vs

1. The Principal Chief Conservator Of
Forests
Head Of Forest Force Guindy
Velacherry Main Road, Guindy
Chennai 600 032

2.The Conservator Of Forests
Salem Circle, Salem, Salem District

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

Respondent(s)



PRAYER: This Writ Petition is filed under Article 226 of Constitution of India to call for the records of the impugned order of reversion of the petitioner from the post of Forest Guard to office assistant dated 31.10.2023 in Se. Mu. order No 10579 / 2020 / Pa2 passed by the 3rd respondent and quash the same, and Consequently direct the respondents to allow the petitioner to continue in the same post as Forest Guard and pass such further or other orders as this Honourable Court may deem fit.

For Petitioner(s): Mr.M.R. Jothimanian

For Respondent(s): Dr.T.Seenivasan, AGP

ORDER

The present Writ Petition has been filed questioning the correctness of the order dated 31.10.2023 passed by the third respondent, regarding the reversion of the petitioner from the post of Forest Guard to that of Office Assistant.

2. According to the petitioner, she was appointed as an Office Assistant on 27.03.1996 by the third respondent on compassionate grounds. At the time of joining the service, she had only passed class Eighth and subsequently, the petitioner pursued the Tenth standard. Based on her original qualification, she was promoted as Forest Guard on 22.06.2005, in which she continued for more than eighteen years.



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3. It is the case of the petitioner that for promotion to the post of Forest Guard by recruitment by transfer from the members of Tamil Nadu Ministerial Service, the educational qualification was revised and thereafter, was omitted. The petitioner was eligible for promotion as Forester as per Special Rules. When the petitioner was awaiting her promotion, the third respondent, who had sent the certificates produced by the petitioner for verification, found that the +2 certificate submitted by the petitioner was bogus. Consequently, disciplinary proceedings were initiated against the petitioner and the enquiry officer held that the charges levelled against the petitioner regarding the submission of bogus +2 certificate is proved. Based on the said enquiry report, the third respondent passed the impugned order reverting the petitioner from the post of Forest Guard to that of Office Assistant. Challenging the same, the present Writ Petition is filed.

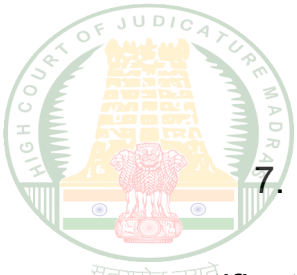
4. The learned counsel for the third respondent, relying on the counter affidavit, refuted the case of the petitioner and submitted that the



authorities adhered to the principles of natural justice and that there was no error in the impugned order.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. It is not in dispute that the petitioner at the time of joining the service, furnished certificate to the effect that she had passed the Eighth standard and subsequently, pursued the Tenth standard. The petitioner has been in service since the year 1996, but only in the year 2020, the respondents woke up from their slumber, and sent her certificates for verification. It is the specific case of the petitioner that she pursued the Tenth Standard. It is not the case of the respondents that the petitioner took permission from the authorities to pursue her 12th standard during the course of employment. Therefore, the very basis of the allegation that the petitioner submitted the bogus 12th standard certificate is, *prima facie*, not substantiated.

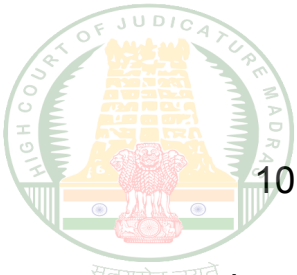


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7. It is also not the case of the respondents that the 12th standard certificate submitted by the petitioner formed the basis for her promotion to the post of Forest Guard. The promotion to the post of Forest Guard was given to the petitioner as there was no requirement of minimum qualification. Therefore, reverting the petitioner back to the post of Office Assistant reeks of *malafide* and cannot be countenanced in law.

8. The petitioner has been in continuous employment since 1996, and it is not the case of the respondents that she was not committed as a Government Servant or that she was involved in activities that is unbecoming of a Government Servant. Instead, she has discharged her duties diligently throughout her service.

9. For all the aforesaid reasons, the impugned order cannot be sustained and the same is accordingly, set aside.



10. The respondent authorities shall pass orders restoring the service of the petitioner to the post she was holding prior to the impugned order.

11. Accordingly, the Writ Petition is disposed of. There shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

21-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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