



W.A(MD) No.2177 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.2177 of 2023
and
C.M.P.(MD)No.17404 of 2023**

1.The Principal Chief Conservator of Forest,
(Head of the Department)
Panagal Maligai,
Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Theni Division,
Theni District.

... Appellants / Respondents

Vs.

R.Shanmugasundaram

... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 18.11.2021 in W.P.(MD)No.4603 of 2018 and allow the present writ appeal.



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For Appellants : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent : Mr.F.Deepak

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner joined the forest department as watcher on 08.04.1982. He became a Forester on 11.01.2010. The next promotional post was that of forest ranger. Though he was included in the promotional panel for the year 2015-2016, the actual promotion could not be given because according to the department, he did not possess the basic eligibility namely “Pass in SSLC”. The writ petitioner also retired on 31.10.2017. Thereafter, he filed W.P.(MD)No.4603 of 2018 seeking notional promotion to the post of Forest Range Officer. According to him, he was very much in possession of basic eligibility and that he was erroneously not given promotion. The learned single Judge took note of the fact that the writ petitioner had passed SSLC in Srilanka and that the



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Deputy High Commissioner for the Republic of Srilanka had issued the equivalency certificate on 18.04.2017. It is also relevant to note that earlier, the Head of the Department had also shown some lenience to the writ petitioner by calling upon him to produce the certificate of genuineness as well as the certificate of equivalency. According to the learned single Judge, both these requirements stood fulfilled. In that view of the matter, the writ petition was disposed of on 18.11.2021 in the following terms:-

“3. The petitioner has obtained such certification from the Deputy High Commissioner for the Republic of Sri Lanka in Southern India to the effect that the two certifications as aforesaid are equivalent. However, since the inclusion of the petitioner's name in the panel was still hanging fire, he has approached this Court by way of the present writ petition. In a counter filed by the second respondent, the only objection raised is that the petitioner has not produced the mark sheet to substantiate his passing the NCCE Course.

4. The learned Additional Government Prosecutor also places on record proceedings in Na.Ka.No.686/2017 dated 30.03.2017, wherein the High Commissioner of Sri Lanka has confirmed the equivalency of the NCCE Course to SSLC Course.

5. It is surprising that despite the aforesaid confirmation having been obtained, the request of the petitioner still remains unprocessed. Since the respondents seek proof to the effect that the petitioner has in fact studied and completed the NCCE Course, let



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the petitioner circulate the relevant mark sheet or other conclusive proof in this regard, to the respondent, upon receipt of which, the request of the petitioner for inclusion in the panel for 2015 – 2016 shall be considered favourably with all consequential benefits computed and paid over to him. Let the aforesaid exercise be completed within a period of twelve weeks from the date of receipt of the documents from the petitioner. This Writ Petition is disposed as above.”

Aggrieved by the same, the department has filed this writ appeal.

3. The learned Additional Advocate General rightly pointed out that the equivalency certificate must be issued by the Government of Tamil Nadu. If the petitioner had placed request for declaration of equivalence before the Government of Tamil Nadu, the Government of Tamil Nadu would have constituted the Equivalence Committee which would have gone into the issue and if satisfied with the claims of the petitioner, G.O also would have been subsequently issued. Such G.O will have retrospective effect if it was in favour of the writ petitioner. In this case, what was produced by the writ petitioner before the learned single Judge was the equivalency certificate issued by the Deputy High Commissioner of Srilanka. This, in our view, was woefully short of what is actually required. Since the writ petitioner did not produce any



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certificate issued by the Government of Tamil Nadu, the order passed by the learned single Judge is set aside. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
04.08.2025

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