



W.A(MD) No.2157 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.07.2025

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

W.A(MD) No.2157 of 2023

and

C.M.P.(MD)Nos.17303 of 2023 & 10719 of 2025

The Chairman,
Tami Nadu Forest Uniformed Services
Recruitment Committee,
Panagal Maligai, 9th Floor,
Saidapet, Chennai-600 015.

... Appellant / Respondent

Vs.

B.Mahendran

... Respondent / Review Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow the appeal and set aside the order dated 12.01.2023 in Review Aplw (MD)No.98 of 2022 in W.P.(MD)No.3411 of 2017.

For Appellant : Mr.Veerakathiravan
Additional Advocate General
assisted by
Mr.A.Kannan
Additional Government Pleader

For Respondent : Mr.Niranjan S.Kumar



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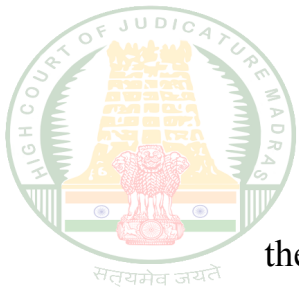
ORDER

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

The Chairman, Tamil Nadu Forest Uniformed Services Recruitment Committee has filed this writ appeal questioning the order dated 12.01.2023 made in Review Application (MD)No.98 of 2022. The appellant board issued the recruitment notification dated 22.12.2014 inviting applications from the eligible candidates for the post of Forestor (TNFT), Forestor (TAF CORN) and Field Assistant (Arasu Rubber Corporation Limited). Mahendran / writ petitioner applied for all the three posts. He wrote the written examination and he was awarded 149.6 marks. Mahendran belongs to BC category. Since the cut off marks for BC category was 152, he was not called for certificate verification. He therefore filed W.P.(MD)No.3411 of 2017 challenging the selection process.

2. The challenge was made on two grounds.

A. Contrary to the instruction originally given, the candidates were allowed to rectify the omission in not shading



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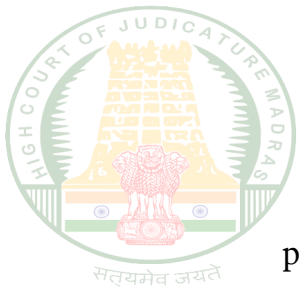
the OMR application indicating the special categories.

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B. Since two key answers were found to be wrong, the board instead of correcting the key answers chose to delete the two questions altogether.

The writ petitioner had answered both these questions correctly and if he had been awarded marks for these two questions, he would have been awarded 152.6 marks. The learned single Judge disposed of the writ petition vide order dated 21.04.2022 in the following terms:-

“5. It is admitted by the respondent that the respondent has committed a mistake, in order to rectify the same, the respondent has allowed the candidates to correct OMR application. Therefore, the candidates had rectified their mistakes. But the claim of the petitioner is that the petitioner has filled the OMR application without any mistakes and then the petitioner ought to be considered as per the first notification. Generally, in all recruitment process the candidates will not be allowed to rectify the OMR applications, it will be considered as defective applications and will be rejected in limine. But in the present recruitment process since the respondents themselves have committed a mistake, the respondents had issued a second notification and allowed all the candidates to rectify the consequential mistake committed by the candidates. But the contention of the petitioner is that since the petitioner has not committed any mistake while filling up the OMR application, the



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petitioner ought to be as per the first notification and grant an appointment order.

6.Considering the facts and the circumstances of this case, this Courts is of the considered opinion that if the petitioner alone was granted the relief then the other similar placed candidates would come forward and seek the same relief. Therefore this Court is directing the respondent, if the petitioner is eligible for the said post, if any person had not joined in any of the said vacant post, the respondent is directed to consider the petitioner's candidature and pass order within a period of eight weeks from the date of receipt of copy of this order.”

In fact, the writ petition was not allowed in the real sense of the term. Instead of filing a writ appeal, Mahendran chose to file a review application. The review application came to be allowed on 12.01.2023 in the following terms:-

“8. While considering the claim of the petitioner this Court has specifically held that the chance to rectify the mistakes committed in OMR sheet was granted by the respondent, which is against the settled preposition of law. The chance might have been granted for various reasons, but the fact remains the same is against the settled preposition of law. This act of the respondent is the reason the petitioner had lost his rights hence, the petitioner should be given a chance. As held supra since several candidates were



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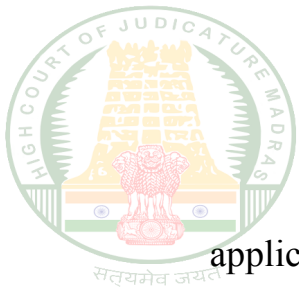
allowed to rectify their mistakes, the cut off mark was increased.

Once the selection process is started the respondent sought not to have changed the rules of play. Hence the respondent is bound to accommodate the petitioner.

9. Therefore, this Court is directing the respondent to accommodate the petitioner in available vacancy, even though it is subsequent vacancy. However, it is made clear that the petitioner is entitled to all the monetary and service benefits from the date of appointment only and not from the date of his batchmates were appointed.”

Questioning the same, this writ appeal has been filed.

2. As rightly contended by the learned Additional Advocate General, a review application can be maintained only if there is any error apparent on the face of the record. If the review application is to be allowed, the error earlier committed should be specifically noted and then relief given. In the order impugned in this writ appeal, the learned Judge has not recorded the error earlier committed. Therefore, we have to necessarily hold that the review jurisdiction had been wrongly exercised in this case. Even on merits, we are of the view that the review



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application could not have been allowed. The writ petitioner had raised two pointed contentions. Without considering the same and answering them in favour of the writ petitioner, no relief could have been granted for the asking. There should be some basis for granting relief. The impugned order of the learned single Judge does not indicate the basis at all.

3. In this view of the matter, the order impugned in the writ appeal is set aside. The writ appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
09.07.2025

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