



WP(MD). No.31057 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.31057 of 2025

and

W.M.P(MD).No.24339 of 2025

S.Raja,

... Petitioner

Vs

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway, Chennai-600003..
2. The Principal Chief Conservator of Forest,
Velachery Main Road,
Guindy,
Chennai – 600032..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent allow the petitioner to join duty to the post of Forest Guard Driving Licence with pay all service and monitory benefits together with interest of 6 percent per annum.



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For Petitioner : Mr.D. Selvanayagam,
For R1 : Mr.V.Paneerselvam
Standing Counsel
For R2 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the respondents to permit the petitioner to join the duty to the post of Forest Guard Driving on the basis of the selection and appointment order issued by the second respondent dated 15.05.2025.

2. The case of the petitioner is that he was appointed as a Forest Guard with Driving Licence on 15.05.2025. However, he could not join duty immediately due to his family necessity. Thereafter, he made a representation on 15.10.2025 explaining his inability to join the said post earlier and sought permission to join duty pursuant to the earlier order of appointment.

3. The learned counsel for the petitioner has also relied upon section 7(5) of the Tamil Nadu Government Servants Conditions of Service Act 2016, which provides for extension of time, for valid



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reasons up to six months. Since the petitioner was appointed on 22.05.2025 and made a representation on 15.10.2025, the respondents are statutorily bound to consider the representation and extend the time limit. However, till date, the petitioner's representation has not been considered. Hence, he seeks a direction to the respondents to consider the said representation.

4. Countering his arguments, Mr.M.Siddharthan, learned Additional Government Pleader appearing for the second respondent would submit that the date of appointment was 22.05.2025 and the petitioner voluntarily gave a letter indicating that as there were no vacancies in the Karur District, which was his preference, he was relinquishing the order of appointment. He would submit that the said letter had been suppressed by the petitioner while approaching this Court. He would further submit that having relinquished the appointment, petitioner's representation is not required to be considered. Further placing reliance upon Section 7(5) of the Act, he would submit that if an appointee do not join the duty ordinarily within a period of three months from the date of receipt of the order directing



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him to join the duty or such earlier date as may be specified and he fails to join to the post, his name shall be removed from the approval list.

5. It is an admitted case that the petitioner was issued an order of appointment on 22.05.2025 and he had failed to join the duty on or before 21.08.2025 and therefore, the petitioner is deemed to have forfeited his appointment and his name has been removed from the approval list. The first proviso, which envisages a six months time limit would only have to be construed that within a period of three months or the joining date specified, the appointee ought to have approached the authorities for extension of time on valid reasons.

6. In the present case, he would submit that not only the petitioner had voluntarily relinquished his appointment but also failed to make any request within the said period of three months to extend the time limit for joining. Hence, he prays this Court to dismiss the writ petition.



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7. I have considered the arguments advanced by the learned counsel on either side and perused the materials available on record.

8. It is not in dispute that the petitioner had been issued an order of appointment on 22.05.2025, as per Section 7(5) of the Tamil Nadu Government Servants Conditions of Service Act 2016. He ought to have reported duty on or before 21.08.2025. He had failed to do so and also did not make any request within the said period seeking extension of time for joining. Therefore, by application of Section 7(5) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the petitioner forfeited his right to appointment. Apart from this, in the present case, on the very date of appointment, the petitioner had voluntarily given a letter to the second respondent relinquishing his appointment as he had not been given his choice of preference of posting in a particular district. The said fact had been suppressed by the petitioner while approaching this Court. Therefore, the petitioner is not entitled for any remedy whatsoever when he had come with unclean hands.



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9. For the aforesaid reasons, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed. The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the Chief Justice Relief Fund within a period of four weeks from the date of receipt of a copy of this order.

03.11.2025

TTA

TO

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway, Chennai-600003..
2. The Principal Chief Conservator of Forest,
Velachery Main Road,
Guindy,
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K.KUMARESH BABU,J

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**ORDER
IN
WP(MD) No.31057 of 2025**

Date : 03/11/2025