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W.A.No.2195 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.A.No.2195 of 2024
and
C.M.P.Nos.1158 & 2667 of 2026 &
C.M.P.No.15526 of 2024**

Tamil Nadu Forest Uniformed Service
Recruitment Committee,
Represented by its Secretary,
Panagal Maligai,
Saidapet,
Chennai – 600 015.

... Appellant

-Vs-

M.Elumalai

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 21.09.2023 in W.P.No.2741 of 2019.

For Appellant : Ms.S.Indhu Bala
Additional Government Pleader

For Respondent : Mrs.A.Arul Mozhi



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J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order dated 21.09.2023 made in W.P.No.2741 of 2019.

2. The respondent, one M.Elumalai, was one of the candidates who applied for the recruitment to the post of Forest Guard and Forest Guard with Driving Licence in the Tamil Nadu Forest Department pursuant to the notification issued by the appellant in Advertisement No.1/2018 dated 06.10.2018

3. In fact, the respondent / writ petitioner belongs to Most Backward Class (MBC) Community and also claims special reservation under PSTM quota, i.e., Tamil Medium quota.

4. The selection process went on. However, he had not been called for certificate verification and at that time, he came to know that, though he belonged to MBC Community and a certificate to that effect though had been produced, since he mentioned in the application as if that he belonged to



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Backward Class (BC) Community mistakenly, his candidature was not considered or omitted to be taken into account for certificate verification.

5. Only at that juncture, it triggered the respondent / writ petitioner to file a writ petition seeking for mandamus where this issue in fact has been resolved and a direction was issued to call the respondent / writ petitioner for certificate verification for consideration of his credentials and the marks scored by him.

6. Thereafter, the respondent / writ petitioner was called for certificate verification and despite the certificate having been verified where the Community Certificate belonging to the writ petitioner was only MBC and he secured 76.73% marks, he had not been selected, whereas, one Logeshwaran who has been selected from the Reserve List, who also secured the same marks as 76.73% under MBC General Quota.

7. This triggered the respondent / writ petitioner once again to approach the writ Court and filed the petition with the amended prayer as per order dated 21.04.2022 made in W.M.P.No.9966 of 2022, whereby, the rejection order passed by the appellant dated 04.02.2019 was questioned.



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8. The learned Single Judge, after having gone through the factual matrix and also verified that the respondent / writ petitioner since belonged to MBC Community for which he produced the necessary certificate for verification and he has also secured 76.73% marks and he is also claiming PSTM category for which he is entitled to, as that issues are not in dispute, had given a direction to create a Supernumerary post in view of the fact that under MBC category or MBC (PSTM) category, one Logeshwaran who secured same marks was selected and appointed. To create the Supernumerary post in favour of the respondent / writ petitioner and appoint him was the order that was passed by the learned Judge which is impugned herein.

9. Assailing the said order passed by the writ Court, Ms.S.Indhu Bala, learned Additional Government Pleader appearing for the appellant would submit that, at the time of making an application, the respondent / writ petitioner, who belonged to MBC category, had filled up the application claiming that he belongs to only BC category. When that being the position, if he sought for consideration under BC category for which he has not annexed any certificates to support of his claim, his candidature cannot be considered under MBC category and therefore, on that ground, his application is liable to be rejected which in fact was rightly done by the appellant.



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10. The second ground raised by the learned counsel appearing for the appellant was that, insofar as PSTM category is concerned, that was also not a claim and moreover, the person, namely, Logeshwaran who had been selected under MBC category also is a PSTM candidate as the candidature of the respondent / writ petitioner since was no more available for consideration under MBC (PSTM) category with the same marks secured by him, his candidature has never been considered comparing with the said Logeshwaran and therefore, the selection of Logeshwaran cannot be found fault with and therefore, the consequential direction issued by the writ Court through the impugned order to create Supernumerary post in favour of the respondent / writ petitioner is an erroneous approach on the part of the writ Court, hence the order impugned is liable to be interfered with, she submitted.

11. We have also heard Mrs.A.Arul Mozhi, learned counsel appearing for the respondent / writ petitioner who submits that, the order passed by the writ Court is to be sustained for the reason stated therein itself where the two grounds raised by the appellant having been considered were given answer by the learned Judge, therefore, the order impugned would speak for itself, she submitted.



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12. We have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

13. The two grounds raised by the appellant would not be sustained for the simple reason that, insofar as the claim made by the respondent / writ petitioner under MBC category is no longer be an issue, since he had not made an application specifically mentioning that he belongs to MBC category, more over, that issue has been given quietus by the earlier order of this Court in the first round of litigation dated 02.09.2022 and this has been mentioned by the learned Judge in paragraph No.33 of the impugned order.

14. Even as per the written instructions given by the appellant Department before the writ Court dated 05.09.2023 addressed by the Chairman / Principal Chief Conservator of Forests of the selection committee to the learned Additional Government Pleader, it had been specifically stated that, candidates scoring upto 76.73% were selected under MBC General from the Reserve List. Taking into account of this factual matrix, the learned Judge has observed at paragraph No.16 of the impugned order that, the selection of Logeshwaran



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under MBC General Category over and above the petitioner was justified by the Chairman on the ground that there were no candidates available under MBC (PSTM) category.

15. Therefore, this has been answered by the learned Judge saying that if the present respondent / writ petitioner also belongs to MBC category and is also a PSTM candidate and secured the same marks, it cannot be stated that, there has been no other candidates of MBC (PSTM) category as claimed by the Chairman / Principal Chief Conservator of Forests of the appellant Board or Committee.

16. After having gone through these factors, the learned Judge has rightly pointed out that, the respondent / writ petitioner since belongs to MBC and this issue has already been resolved which has become final, that he filed the necessary certificate to claim the status of the community that he belongs to MBC, that cannot be said to be an issue once again and also it cannot be put against the respondent / writ petitioner, thereby, the first ground raised by the appellant against the order impugned would not stand in the legal scrutiny.



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17. Insofar as the second ground that he does not belong to PSTM category also is concerned, since his candidature in the threshold was rejected at the earliest point of time, he was not considered at the time of consideration of PSTM candidate under MBC that too taken from the Reserve List. These factors also have been considered and discussed by the learned Judge and answered in the order which is impugned herein. Had the candidature of the respondent / writ petitioner been accepted as MBC candidate, certainly at the time of certificate verification, it would have come to the notice of the appellant that he belongs to MBC and is also a PSTM candidate and secured the same marks, when that being the position, since he ought to have been included in the Reserve List and when they operated the Reserve List to go into the extent of taking out the candidate called Logeshwaran with the same marks by citing the reason that there is no other candidate of similar category despite the fact that the availability of the respondent / writ petitioner, the appellant would have selected the respondent / writ petitioner would be the only the conclusion could be arrived at by any reasonable person.

18. This in fact has been rightly pointed out by the learned Judge and thereby, the writ petition was allowed by giving a direction to create Supernumerary post for the purpose of giving appointment to the respondent /



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writ petitioner which in our considered view is a justifiable one, in view of the facts and circumstances of the case, therefore, the Writ Appeal deserves to be dismissed, accordingly, it is dismissed. The order passed by the writ Court shall be complied with by the appellant within a period of one month from the date of receipt of a copy of this judgment. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

(R.S.K., J.) (S.S.A., J.)
16.02.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

Tamil Nadu Forest Uniformed Service
Recruitment Committee,
Represented by its Secretary,
Panagal Maligai,
Saidapet,
Chennai – 600 015.



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