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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.DILIP KUMAR

WP(MD) No. 24550 of 2018

CNR:{HCMD010978542018}

D.Subramanian

..Petitioner(s)

Vs

1. The Managing Director,
   Tamilnadu Forest Plantation-Corporation Limited,
   Karur Road,
   Mallachipuram,
   Kamparasampettai Post,
   Trichy-620101.

2. The Regional Manager,
   Tamil Nadu Forest Plantation-Corporation Limited,
   Machuvadi,
   Pudukkottai.

..Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 03.04.2017 and thereby return to him his original testimonials and other documents submitted by the petitioner to the respondents in the event of non compliance of the order of this Honourable Court referred to in his representation in respect of his selection as Forest Watcher.

For Petitioner(s): Mr.Suresh Kannan,
Legal Aid Counsel

For Respondent(s): Mr.G.Sailendra Babu
Government Advocate (Civil Side)
For R1
Mr.T.Amjad Khan, for R2.

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ORDER

Heard Mr.Suresh Kannan, Legal Aid Counsel for the petitioner, Mr.G.Sailendra Babu, learned Government Advocate (Civil Side) appearing for the 1st respondent and Mr.T.Amjad Khan, learned counsel appearing for the 2nd respondent and perused the materials available on record.

2. This writ petition is filed asking for the issuance of Writ of Mandamus directing the respondents to consider his representation dated 03.04.2017 and return his original testimonials and other documents submitted to the respondents at the time of considering his candidature for selection to the post of Forest Watcher.

4. Mr.Suresh Kannan, learned Legal Aid Counsel for the petitioner would strenuously contend that the writ petitioner, a Sri Lankan Ex-repatriate was working in the 2nd respondent office as a night Watchman on daily wage basis as an N.M.R, from 1985 and he was sponsored by the Employment Exchange in June 1990 and he participated in the interview that was held by the Tamil Nadu Forest Plantation Corporation on 13.07.1990 and at the time of such a selection process, he had submitted his original testimonials before the authorities and stating that he is not satisfying the qualification criteria, particularly with regard to height, his candidature was not considered. However, despite the

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conclusion arrived by the respondent that he is not eligible for selection, they had not returned the original certificates that were taken from him at the time of the said selection. He accordingly prays for allowing the writ petition.

5. Per contra, Mr. T. Amjad Khan learned counsel appearing for the 2nd respondent would invite the attention of this Court to the counter affidavit filed by the respondents and in particular, he refers to paragraphs 3-8. The said counter affidavit is extracted here under:

> *"3. 3. It is respectfully submitted that, during 1990, a Selection Committee was constituted in Tamilnadu Forest Plantation Corporation Ltd, (hereinafter mentioned as "TAFCORN") Trichy for selecting candidates to the post of Forest Watcher. Accordingly, in the S.O.No. 102 / 90/E1 dated 29.08.1990 of the Managing Director, TAFCORN, Trichy, it was stated that 3 (Three) persons were selected for the post of Forest Watcher temporarily and allotted to Pudukottai Region subject to production of physical fitness certificate obtained from a Medial Officer not lower than the rank of Civil Assistant Surgeon and their appointment will be cancelled if they were found medically unfit. Of these 3 individuals, the writ petitioner was one of the candidates.*
>
> *4. 4. It is respectfully submitted that, in the above said letter of the Managing Director, TAFCORN, Trichy, instructions were also issued to the Regional Manager, TAFCORN, Pudukottai to verify all the records, height, chest measurements and medical fitness certificates of the individuals before joining duty and report the fact with the date of joining. In respect of the writ petitioner, he did not possess the required height to the post of Forest Watcher and hence he was not appointed to the post of Forest Watcher.*

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5. 5. It is respectfully submitted that the writ petitioner had filed W.P.No. 10060 of 1992 with the prayer for issuance of a Writ of Mandamus directing the second respondent therein (i.e the Regional Manager, TAFCORN, Pudukottai) to issue the posting orders for the post of Forest Watcher pursuant to the selection letter issued by the first respondent in letter No. 03-01/90 El dated 29.08.1990.

6. It is respectfully submitted that the Hon'ble High Court of Madras dismissed the writ petition vide order dated 24.07.1992 in W.P.No.10060 of 1992 as given below:

> *"Para 3: Having regard to the fact that the petitioner is short of the centimetre height and having regard to the fact that there appears no relaxation for such shortcomings, in so far as the petitioner is concerned, this court cannot compel the respondents to issue appointment order and consequently there is no merit in the writ petition and is accordingly dismissed."*

7. 7. It is respectfully submitted that after 3 years of the said Order, the writ petitioner had again filed another writ petition in W.P.No. 3424 of 1995 with the prayer to issue a writ of Mandamus directing the respondents to return all the originals viz., 1) School Certificate 2) Ceylon Repatriation certificate 3) Employment Exchange Card and Selection order and consequently direct the respondents to the post of Forest Watcher on the basis of the Selection order dated 29.08.1990.

And the same was also dismissed by the Hon'ble High Court of Madras on 17.07.2001 with the following observations:-

> *Para 3: The learned counsel for the respondents contended that no original records were received by the respondents. The*

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earlier writ petition was disposed of at the admission stage itself and hence, the non receipt of records from the petitioners was not brought to the notice of this court, even though the petitioner was not selected. He was not appointed since he is medically unfit. Hence the question of return of the original document do not arise.

Para 4: The learned counsel for the petitioner is unable to place on record any document to establish that the original documents had been produced before the respondents herein. In the prayer, he had mentioned the selection order as item No. 4. It is not known as to how he is entitled for the selection order when he was not appointed to the post of Forest watcher. The learned counsel for the petitioner represents that the original documents are with the respondent whereas the respondents have filed counter affidavit refuting the same. Since this being a disputed question of fact under the proceedings, the same cannot be decided. If at all the petitioner is aggrieved by the conduct of the respondents, it is open to him to initiate proceedings, in accordance with the law. Hence, the writ petition is dismissed".

8. 8. It is respectfully submitted that after 17 years from the date of passing of the said Order, the petitioner filed the present writ petition W.P.(MD).No.24550 of 2018 with the same relief sought in W.P.No.3424 of 1995, which was already dismissed by the Hon'ble court on 17.07.2001. Therefore, the prayer made herein in the present writ petition was already decided as mentioned above. Therefore, ***the Principle of Res Judicata will inevitably come into effect*** *and hence the present writ petition is not be maintainable."*

6. It is evident that the writ petitioner had already come before this Court with a very same prayer and this Court had rejected the request on

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merits on the premise that the writ petitioner had not produced any material to substantiate that the original documents were actually produced by him before the respondents. Since an earlier writ petition was filed for a similar relief, and since it has already been decided on merits, it is not permissible for the Court to allow the writ petitioner to re-agitate the same matter once again.

7. Accordingly, the writ petition stands dismissed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

psa

To

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N. DILIP KUMAR, J.
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