

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (S) No. 3358 of 2021**

1. Deepali Pandey D/o Rajesh Pandey Aged About 29 Years Studying At Guru Ghasidas University, Bilaspur, R/o Shubham Vihar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh.
2. Dinesh Kumar Kondagurla S/o Ramlu Kondagurla Aged About 20 Years Studying At Guru Ghasidas University, Bilaspur, R/o Village-Nalampalli, Tehsil- Bhopattnam, District- Bijapur, Chhattisgarh.
3. Ashish Kumar Soni S/o Dr. Ashok Kumar Soni Aged About 28 Years Studying At Guru Ghasidas University, Bilaspur, R/o Namunakala Ring Road, Near Karmel Bilaspur, Chhattisgarh.
4. Saurabh Pandey S/o Rajesh Pandey Aged About 25 Years R/o Bananak Chowk, Behind Holly Cross School, Tehsil And District Sarguja, Chhattisgarh.
5. Yognandni Karma D/o M.R. Karma Aged About 21 Years R/o Ward No.7, Huduko Colony, Awarabhata, Tahsil And District- Dantewada, Chhattisgarh.
6. Satyaprakash Kaushik S/o Shri Shirnandam Kaushik Aged About 28 Years R/o Village- Dhanra, Post- Keshkal, District- Kondagaon, Chhattisgarh.
7. Laxmikanti Panigarhi S/o Krirendra Panigarhi Aged About 24 Years R/o Village- And Post- Asna, Naya Para, Tehsil- Bastar, District- Jagdalpur, Chhattisgarh.
8. Riya Singh D/o Suresh Kumar Singh Aged About 22 Years R/o 112/d, Res Colony, Tehsil- Chhindgarh, Tonpal, District-Sukma, Chhattisgarh.
9. Gopal Dasar S/o Laxmi Swami Aged About 22 Years Gram - Phulkel, Post- Pakela, Tehsil- Awapalli, District- Bijapur, Chhattisgarh.
10. Bhavesh Tati S/o V.S. Tati Aged About 22 Years Quarter No. 72, Surbhi Colony, District- Dantewada, Chhattisgarh.
11. Hitesh Bhaskar S/o Dhanraj Bhaskar Aged About 21 Years R/o Sanjay Nagar, Ward No. 15, Block-Dantewada, District-Dantewada,

Chhattisgarh.

12. Manishankar S/o Sanjay Pandey Aged About 22 Years R/o Infront Of L.I.C. Office, Kangoli Road, Dharampura, No. 1, Jagdalpur, District-Bastar, Chhattisgarh.
13. Osh Kumar Gupta S/o Sunil Kumar Gupta Aged About 27 Years R/o Devi Ganj Road, Behind Saheli Store, Ambikapur, District- Surguja, Chhattisgarh.
14. Damrudhar Kashyap S/o Narshing Kashyap Aged About 29 Years R/o Village- Sarpanch Para, Mohlai, Bastar, Post- Kinjauli, District-Bastar, Chhattisgarh.
15. Hemant Kumnar Kori S/o Kaushal Prasad Aged About 27 Years R/o LIG-853, Deendayal Awas Colony, Mangla, Tehsil And District-Bilaspur, Chhattisgarh.
16. Bhanupriya Thakur D/o Hari Singh Thakur Aged About 32 Years R/o Saket Colony, Near Assembly Church, District-Jagdalpur, Chhattisgarh.
17. Lokeshwar Prasad S/o Rameshwar Prasad Aged About 32 Years R/o Atalbihari Bajpai Ward No. 38, Dharampura, No. 1, Jagdalpur, District-Bastar, Chhattisgarh.
18. Mahesh Kumar S/o Ashwani Aged About 28 Years R/o Gram Post-Kurratola, Tehsil-Charama, District-Kanker, Chhattisgarh.
19. Suman Das D/o Rajendra Das Aged About 25 Years R/o Maa Durga Chowk, Sadar Ward, Ward No.10, Jagdalpur, District-Bastar, Chhattisgarh.
20. Amitesh Bhattarcharya S/o Sanjay Kumar Bhattarcharya Aged About 32 Years R/o Narayanpur, District-Narayanpur, Chhattisgarh.
21. Suman Bhaskar D/o Mahendra Singh Bhaskar Aged About 25 Years R/o House No. 53, Patel Marg, Abhanpur, Narharpur, District-Kanker, Chhattisgarh.
22. Vivek Jhadi S/o Purshottam Jhadi Aged About 25 Years R/o H.N. 114, Main Road-Bacheri, Near T.C.I. Godown, Ward No. 1, Dantewada, District- Dantewada, Chhattisgarh.
23. Madhulika Pandey D/o Shri Ghanshyam Pandey Aged About 26

- Years R/o Chote Aamanaal, Pujari Para, Mayank Kirana Store, Post-Bhanpuri, District-Bastar, Chhattisgarh.
24. Chetan Singh Sinha S/o Harinandan Singh Aged About 24 Years R/o Shiv Mandir, Chandrashekhar Azad Ward, Jagdalpur, District-Bastar, Chhattisgarh.
  25. Anjali Singh Gautam D/o Awadesh Singh Gautam Aged About 24 Years R/o Jail Road, IB Bunglow, Durga Chowk , Sadar Bazar, Jagdalpur, District- Bastar, Chhattisgarh.
  26. Reena D/o Shri Sindhu Aged About 28 Years R/o Pandri Pani- 2 Pamela Para, Post- Dingrapal, District- Bastar, Chhattisgarh.
  27. Bhagwati S/o Mahendra Kumar Aged About 30 Years R/o H.N. 59, Ward No. 5, Village-Ira, Post-Sonani, District-Rajnandgaon, Chhattisgarh.
  28. Kamesh S/o Aatam Das Aged About 28 Years R/o Village- Bendridih, Post-Pandadah, Tehsil-Khairagarh, District-Rajnandgaon, Chhattisgarh.
  29. Tarun Puri S/o Shri Revaram Manipuri Aged About 30 Years R/o Naya Para, Jagdalpur, District-Bastar, Chhattisgarh.
  30. Geetanji Painkra D/o Abbal Singh Aged About 29 Years R/o Village And Post-Chirga, Tahsil And Thana-Batauli, District- Surguja, Chhattisgarh.
  31. Divya Kunjam D/o Mansingh Kunjam Aged About 26 Years R/o Gram- Datkunda, Post-Lakhanpuri, Tehsil-Charama, District-Kanker, Chhattisgarh,
  32. Vaibhav Pandey S/o Vivek Pandey Aged About 25 Years R/o Shiv Mandir, Ward No. 3, Jagdalpur, District- Bastar, Chhattisgarh.
  33. Meenakshi D/o Rikeshwar Aged About 25 Years R/o Post And Village- Matnar, Block And Tahsil-Bakhawan, District-Bastar, Chhattisgarh.
  34. Purnima Tandon D/o Mahendra Tandon Aged About 28 Years R/o Behind F.C.I. Godown, Maharani, Ward, Kumarpara, Jagdalpur, District-Bastar, Chhattisgarh.
  35. Jilson James S/o James Methew Aged About 29 Years R/o Infront Of

Radio Station, Tokhapal, District-Bastar, Chhattisgarh.

36. Yugal Kumar S/o Rikeshwar Aged About 26 Years R/o H.No. 50, Village And Post-Matnar, Tehsil-Bhakavan, District-Bastar, Chhattisgarh.
37. Tejaswani Mishra D/o S.C. Mishra Aged About 26 Years R/o 265/lh, Forest Colony, Bhelvopadar, District- Rajnandgaon, Chhattisgarh.
38. Apratim Jha D/o Himanshu Shekhar Jha Aged About 33 Years R/o Vijay Ward No. 2, Dr. K.K. Jha, Marg, Jagdalpur, District-Baster, Chhattisgarh.
39. Alam Saay S/o Ram Partap Aged About 35 Years R/o Village- Kungsi, Post- Lolki, Tehsil- Pratappur, District- Surajpur, Chhattisgarh.
40. Dhani Ram S/o Shridhar Aged About 30 Years R/o Gram Nimha, Post- Jamdih, Thana- Udaypur, District-Sarguja, Chhattisgarh.
41. Nitesh Kumar Dewangan S/o Shiv Kumar Dewangan Aged About 32 Years R/o Anand Nagar, Junwani, Bhilai, District- Durg, Chhattisgarh.
42. Devendra Sharma S/o Kishore Sharma Aged About 34 Years R/o Plot No. 930/ 13, Near Rajdhani Rice, Bagrum Chowk, Dashpur, Uttar Bastar, District- Kanker, Chhattisgarh.
43. Ajay Banik S/o Shri Bhakul Banik Aged About 35 Years R/o Maharani Ward No. 14, Jagdalpur, District-Bastar, Chhattisgarh.
44. Saraswati D/o Chamra Ram Aged About 25 Years R/o Keshkal, District-Kondagaon, Chhattisgarh.
45. Yogesh Kumar Nag S/o Sitaram Nag Aged About 26 Years R/o Gappi Para, Hitwar, Post- Nakulnar, Tehsil- Kuakonda, District- Dantewada, Chhattisgarh.
46. Nidhi Kujur D/o Eliyajar Kujur Aged About 25 Years R/o Ghurmund, Gram Chittrakot, Post- Lhohandiguda, District- Bastar, Chhattisgarh.
47. Kumari Akansha Pandey D/o Shri Anil Pandey Aged About 30 Years R/o Abhanpur, Tehsil-Jagdalpur, District-Bastar, Chhattisgarh.
48. Anlish Kumar Markam S/o Shri Dasrath Ram Markam Aged About 26 Years R/o Gram-Chingli, Post-Komara, Tehsil-Baderajpur, District-Kondagaon, Chhattisgarh.

49. Harish Chandra Darro S/o Ramchand Darro Aged About 33 Years R/o Hum Kothi Para, Narayanpur, Block- Narayanpur, District- Narayanpur, Chhattisgarh.
50. Priyanka Kashyap D/o Kamalkant Kashyap Aged About 26 Years R/o Behind Bhunkar Sang, Santara Badi, Tehsil-Durg, District-Durg, Chhattisgarh.
51. Taihzeeba Anjum D/o A.M. Khan Aged About 32 Years R/o W/o Ashpaak Ur Rehman, H.No. 110/b, Ruabanda Centre, Bhilai Nagar, Ward No. 65, District- Durg, Chhattisgarh.
52. Binda Raana D/o Sohan Raj Aged About 26 Years R/o Post- Bade Dongar, Tehsil- Farasgaon, District-Kondagaon, Chhattisgarh.
53. Fagnu Ram S/o Asmaan Aged About 29 Years R/o Village- Devgaon, Tehsil-Farazgaon, District-Bastar Chhattisgarh.
54. Ranjita Nag D/o Buddhu Ram Nag Aged About 26 Years R/o Post-Baniyagaon, Thana-Keshkal, District-Kondagaon, Chhattisgarh.
55. Sanjay Kumar S/o Ramesh Kumar Aged About 30 Years R/o Kondagaon, District- Kondagaon, Chhattisgarh.
56. Ami Gautam D/o Ayodha Prasad Aged About 33 Years R/o Village-Bunda, Post-Newra, District-Bilaspur, Chhattisgarh.
57. Rahul Kumar Sahu S/o Jitendra Kumar Aged About 26 Years R/o Lormi, District-Mungeli, Chhattisgarh.
58. Roshan Kumar Tandon S/o Tukaram Tandon Aged About 30 Years R/o Sarangarh, District-Raigarh, Chhattisgarh.
59. Shailesh Kumar Yadav S/o Dinesh Kumar Yadav Aged About 29 Years Ambikapur, District-Sarguja, Chhattisgarh.
60. Chandresh Taang S/o Devendra Taang Aged About 32 Years R/o Raigarh, District-Raigarh, Chhattisgarh.
61. Kamlesh S/o Lalaram Aged About 28 Years Gram- Raveli, District-Kabirdham, Chhattisgarh.
62. Rakesh Kumar Shrivastava S/o Panch Ram Shrivastava Aged About 31 Years R/o Indira Vihar, Sarkanda, District- Bilaspur, Chhattisgarh.

63. Ajay Kumar Kawar S/o Jodhi Ram Kaawar Aged About 34 Years R/o Janjgir, District- Janjgir- Champa, Chhattisgarh.
64. Kiran Tiwari D/o Prayag Tiwari Aged About 32 Years R/o Village-Uriya, Tehsil-Mainpath, Narmadapur, Sarguja, District- Sarguja, Chhattisgarh.
65. Sangeeta D/o Kaushal Kumar Aged About 31 Years R/o Ward No. 16, School Para, Bhagwanpur, Khurd, Ambikapur, District-Surajpur Chhattisgarh.
66. Aarti Singh S/o Vijendra Singh Aged About 28 Years R/o Ward No, 5 , Bhandarpar, Gram- Podi, Tehsil- Bachra, District- Koriya, Chhattisgarh.
67. Md. Irshad Alam S/o Md. Abdul Rasheed Aged About 30 Years R/o H.N.39, Near Government School, Village-Jori, Post-Babooli, Tehsil-Lundra, District-Sarguja, Chhattisgarh.
68. Kaitana Pathak D/o Rajesh Pathak Aged About 30 Years R/o H.N. 234/02, Manjhari Para, Near Water Park, Sargaon, Sakalo, District-Sarguja, Chhattisgarh.
69. Harish Chandra Rajwade S/o Durga Prasad Rajwade Aged About 30 Years R/o Gram- Kunj Nagar, Post- Jappnagar, Tehsil And District-Surajpur, Chhattisgarh.
70. Rajesh Kumar Toppo S/o Dhani Ram Aged About 35 Years R/o Gram- Kantughuda, Post-Petla, Tehsil-Sitapur, District-Sarguja, Chhattisgarh.
71. Sulabh S/o Bali Ram Aged About 26 Years R/o Gram-Hasuli, Post-Parsara, Tehsil-Ambikapur, District-Sarguja, Chhattisgarh.
72. Shashi Kala S/o Gokul Aged About 27 Years R/o Gram- Sardha-Bhata, Post- Baalpur, Tehsil- Bhilaigarh, District- Baloda Bazar, Chhattisgarh.
73. Sujeet Prakash Tirkey S/o Jai Prakash Tirkey Aged About 29 Years R/o Kundur Dihari Ward No. 08, Beech- Para, Ambikapur, District-Sarguja, Chhattisgarh.
74. Pushpa Ekka S/o Roop Sahay Ekka Aged About 27 Years R/o H.N. 17, Kadam Chowk, Gram- Sirpur, District- Sarguja, Chhattisgarh.

75. Sangeeta Nikunj D/o Dev Dutt Nikunj Aged About 25 Years R/o Bangaon, Post-Farsha-Bahar, District-Jashpur, Chhattisgarh.
76. Mukesh Kumar Kanshi S/o Suraj Bali Kanshi Aged About 25 Years R/o Kusmi Road, Ghutra Para, Bhudha Baghicha, Rajpur, District-Balrampur, Chhattisgarh.
77. Vijay Kumar Bhagat S/o Sukhnath Ram Bhagat Aged About 34 Years R/o Gram- Bangaon, Post- Farsabahar, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
78. Kiran Pawle S/o Lt. Jagatpal Aged About 26 Years R/o Village-Sahanpur, Thana- Village- Sitapur, District-Sarguja, Chhattisgarh.
79. Jeevan Shirin Toppo S/o Visahu Toppo Aged About 38 Years R/o 192/2, Dharampur, Gewra Basti, Post- Kusmunda, District- Korba, Chhattisgarh.
80. Onkar Gabel S/o Bharatdwaj Aged About 28 Years R/o D- 24, Ward No.3, Pursa, Post- Raskela, District- Janjgir- Champa, Chhattisgarh.
81. Vijay Kumar Rathi S/o Harideh Ram Rathi Aged About 31 Years R/o Village- Hathimur, Post- Bundeli, District- Korba, Chhattisgarh.
82. Nalish Kumar Anchal S/o Sidh Ram Anchal Aged About 31 Years R/o Village And Post- Barela District-Mungeli, Chhattisgarh.
83. Chiranjeevi Sinha S/o Eknath Sinha Aged About 33 Years R/o Gram And Post-Chinchola, Tehsil-Butiya, District-Rajnandgaon, Chhattisgarh.
84. Chandrasikha Patel D/o Lt. Mahavir. Patel Aged About 28 Years R/o Near B.R.C. Office, Tehsil And Post- Karasgaon, District- Kondagaon, Chhattisgarh.

---- Petitioners

**Versus**

1. State of Chhattisgarh Through Its Secretary, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District- Raipur, Chhattisgarh.
2. State of Chhattisgarh Through Its Principle Secretary, Forest and Culture Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District-Raipur, Chhattisgarh.

3. State of Chhattisgarh Through Its Principle Secretary, General Administrative Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District- Raipur, Chhattisgarh.
4. Chhattisgarh Public Service Commission Raipur, Through Its Secretary, C.G.P.S.C. Nawa Raipur, District- Raipur, Chhattisgarh.

**---- Respondents**

and

**Writ Petition (S) No. 6643 of 2021**

1. Rahul Yadav S/o Shri Chhote Lal Yadav Aged About 30 Years R/o H.No.35, Abhishek Vihar Phase-2, Mangla, Post Mangla, District Bilaspur, Chhattisgarh.
2. Hridyanand Sahu S/o Shri Manharan Lal Aged About 27 Years R/o Ward No.11 Chhipali, Mahavir Para, Chhipali, District Dhamtari, Chhattisgarh.
3. Rahul Panigrahi S/o Basant Kumar Panigrihi Aged About 26 Years R/o Maan Chitra Gali, Shiv Mandir, Ward No.03, Post Jagdalpur, District Bastar, Chhattisgarh.

**---- Petitioners**

**Versus**

1. State of Chhattisgarh Through Its Secretary Forest Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. Principal Secretary Forest and Culture Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh.
3. Principal Secretary General Administration Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh.
4. Chhattisgarh Public Service Commission Through Its Secretary Shankar Nagar Road, Raipur, Chhattisgarh.

**---- Respondents**

(Cause-title taken from Case Information System)

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For Petitioners	:	Mr. Mateen Siddiqui, Advocate.
For Respondents No.1 to 3	:	Mr.Jitendra Pali, Deputy Advocate General
For Respondent No. 4	:	Mr. Anand Mohan Tiwari, Advocate.
For Intervenors	:	Mr. Abhishek Sinha, Senior counsel, assisted by Mr. Samarth Singh Marhas, Advocate.
Date of hearing	:	04.08.2022
Date of Order	:	07.09.2022

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**Hon'ble Mr. Arup Kumar Goswami, Chief Justice**

**Hon'ble Mr. Parth Prateem Sahu, Judge**

**C A V Judgment**

**Per Arup Kumar Goswami, Chief Justice**

Petitioners No. 1 to 13, 14 to 81 and 82 to 84 in WPS No. 3358 of 2021 are B.Sc. in Forestry, M.Sc in Forestry and Ph.D. in Forestry, respectively. The petitioner No. 1 in WPS No. 6643 of 2021 is B.Sc. In Forestry and petitioners No. 2 and 3 are M.Sc. in Forestry.

2. In terms of order dated 02.12.2021 passed in WPS No. 3358 of 2021, WPS No. 6643 of 2021 was directed to be listed along with WPS No. 3358 of 2021. Accordingly, both these writ petitions are being disposed of by this common judgment.

3. The petitioners in WPS No. 3358 of 2021, make the following prayers:

“10.1 That, writ and / or an order and / or a direction to the Respondents to make provisions in the recruitment, giving preference / subject specific preference / certain percentage of post to be reserved for the student graduated from B.Sc Forestry, M.Sc Forestry and to the candidates who are graduates or postgraduates in the stream of forestry sciences.

10.2 This Hon'ble Court may kindly to pleased Quash the Advertisement dated issued by respondent No. 4 and direct the respondent authority particularly respondent no. 4 to re issue the advertisement giving preference to the student who graduated from B.Sc Forestry, M.Sc. Forestry and to the candidates who are Doctorate on Forestry.

10.3 This Hon'ble Court may kindly please to direct respondent No. 4 to include the students who have perused their studies in Master in Forestry. (M.Sc. In Forestry).

10.4 That, writ and / or an order and / or a direction to the Respondents to make amendment / provisions in the Chhattisgarh Forest Services (Combined) Examination Rule, 2014 of the State Forest Department, giving preference / subject specific preference / certain percentage of post to be reserved

for the student graduated from B.Sc. Forestry, M.Sc. Forestry and to the candidates who are graduates or postgraduates in the stream of forestry sciences.

10.5 This Hon'ble Court may kindly please to direct the respondent authority to grant certain percentage of post to be reserve for the students who graduated from B.Sc. Forestry, M.Sc. Forestry and to the candidates who are Doctorate in Forestry.

10.6 Any other relief which this Hon'ble Court deem fit in the facts & circumstances of case may also be granted.”

4. The petitioners in WPS No. 6643 of 2021 make the following prayers:

“10.1 That the Hon'ble Court may kindly be pleased to direct the respondents to make amendment/provisions in the Chhattisgarh Forest Service (Combined) Examination Rule, 2014 of the State Forest Department being ultra virus vis-a-vis by not providing preference/subject specific preference / certain percentage of post to be reserved for the students graduated from B.Sc Forestry & M.Sc. Forestry and to the candidates who are graduates or postgraduates in the stream of forestry science.

10.2 This Hon'ble Court may to pleased quash the advertisement issued by respondent CG PSC and

direct the responded authority particularly respondent CG PSC to re issue the advertisement giving preference to the student who graduated from B.Sc. Forestry, M.Sc. Forestry and to the candidates who are Doctorate on Forestry.

10.3 This Hon'ble Court may kindly please to direct the respondent authority to include at least 50% of syllabus of Forestry Subject in Question Paper 2.

10.4 This Hon'ble Court may kindly please to direct the respondent authority to grant certain percentage of post to be reserve for the student who graduated form B.Sc. Forestry, M.Sc. Forestry and to the candidates who are Doctorate in Forestry.

10.5 Any other relief which this Hon'ble Court deem fit in the facts & circumstances of case may also be granted.”

5. WPS No. 3358 of 2021 was admitted for hearing by an order dated 08.11.2021. By the said order, without prejudice to the rights and contentions advanced in the writ petition, the petitioners were granted liberty to appear in the examination for selection to post of Conservator of Forest and Forest Ranger in terms of the advertisement dated 10.06.2020 as and when the same was conducted by the Chhattisgarh Public Service Commission.

6. The advertisement dated 10.06.2020 was issued by Chhattisgarh

Public Service Commission for the recruitment of 21 posts of Assistant Conservator of Forest and 157 posts of Ranger.

7. In WPS No. 6643 of 2021, an interim order was passed on 02.12.2021, providing that while respondents were permitted to hold the examination as scheduled on 05.12.2021, result in respect of Assistant Conservator of Forest and Forest Ranger shall not be declared.

8. An intervention application, being I.A. No. 06 of 2022, was filed in WPS No. 6643 of 2021 by the candidates, who had participated in the recruitment process and by an order dated 21.07.2022, the applicants were allowed to intervene in the proceedings.

9. During hearing, the learned counsel for the parties had placed reliance on the pleadings and documents in WPS No. 6643 of 2021 and, accordingly, reference will be made in the judgment to the contents of WPS No. 6643 of 2021.

10. Heard Mr. Mateen Siddiqui, learned counsel for the petitioners, Mr. Jitendra Pali, learned Deputy Advocate General, appearing for respondents No. 1 to 3 and Mr. Anand Mohan Tiwari, learned counsel, appearing for respondent No. 4 (Chhattisgarh Public Service Commission) in both the petitions. Mr. Abhishek Sinha, learned senior counsel, assisted by Mr. Samrath Singh Marhas, learned counsel, appearing for intervenors in WPS No. 6643 of 2021, is also heard.

11. A perusal of the prayers in WPS No. 6643 of 2021 goes to show that the petitioners are seeking direction to the respondents to make amendment / provisions in the Chhattisgarh Forest Service (Combined)

Examination Rules, 2014, by giving preference/ subject specific preference / certain percentage of post to be reserved for the students of B.Sc in Forestry, M.Sc in Forestry and students possessing graduation and post graduation degree in the stream of Forestry Science. The advertisement dated 10.06.2020 is also assailed as there was no reservation for the categories of students as mentioned above.

12. As per the advertisement, the examination is to contain two papers : first paper contains subjects like General Knowledge, Language (English, Hindi and Chhattisgarhi). The second paper includes subjects like, Sciences and Technology, Chemistry, Physics, Environment Sciences, Agriculture and Forestry. While the petitioners have got no objection to the first paper, objection is taken to the second paper on the ground that very little part of Forestry subject had been included in comparasion to other subjects, resulting in reducing the possibilities of students of Forestry to be selected in the examination.

13. It is pleaded that the nature of the job requires exclusive knowledge of Forestry stream and many States like Himachal Pradesh, Jammu and Kashmir, Odisha, Tamilnadu, Kerala, Gujarat, Jharkhand and Madhya Pradesh had taken 50% of syllabus from the Forestry stream since 2021. It is pleaded that the syllabus of Agriculture Universities are prepared as per the guidelines of Indian Council of Agriculture Research and Indian Council of Forestry Research and Education and therefore, the candidates who posses B.Sc in Forestry and M.Sc. in Forestry would be better qualified than other candidates for the jobs in question.

14. It is stated that every year, about 60 students pass out from various Universities in Chhattisgarh and therefore, there is a large pool of candidates to fill up the posts. It is further pleaded that the State of Himachal Pradesh reserves 70% of posts under direct recruitment quota by Forestry Graduates only; Government of Odisha has reserved 1/3<sup>rd</sup> of the vacancies for the post of Rangers form amongst Forestry Graduates on the basis of their merit in the final examination of the University; the State of Karnataka has kept 50% reservation each for Forestry Graduates for the post of Assistant Conservator of Forest as well as Forest Ranger; the State of Kerala only recognizes a Degree in Forestry of Kerala Agriculture University or of any other recognized University in India, for the post of Rangers.

15. Reference is also made to resolution of the National Forest Policy dated 07.12.1988, adopted by the Ministry of Environment and Forest as well as the Chhattisgarh State Forest Policy dated 22.10.2001 and to the order dated 05.10.2018 passed by this Court in WPIL No. 19 of 2018 (*Damini Sharma and Others v. State of Chhattisgarh and Others*).

16. In the return filed by the respondents No. 1 to 3, it is stated that the petitioners have essentially prayed for a direction for legislating, which is not permissible in law, as it is for the State to determine the eligibility criteria as per requirement of a particular post. It is pleaded that though the posts of Assistant Conservator of Forest and Forest Ranger fall under the Department of Forest, apart from the Forestry activities, there are other auxiliary works that have also to be performed and therefore, no candidate can claim as a matter of right that his qualification be given special

preference over and above other candidates having minimum requisite qualifications. A wide range of subjects which had been prescribed in the syllabus demonstrates the requirement of the Department is to have persons with proper skills to cater to the Government requirements. It is also stated that even if some States had provided any reservation in their services as per their own necessity, that would not bind others and that apart, majority of the States of the Country have not framed recruitment Rules in terms of the prayers made in the present petition. The National Forest Policy, 1988 prescribes guidelines for management of forest with the object of protection, preservation and forest management and it nowhere stipulates that only person having Forestry education would be given preference in Forest services and the policy only recognizes Forestry as a scientific discipline as well as a profession. Dealing with Clause 4.1.1 of the Policy, on which reliance is placed by the petitioners, it is stated that while prescribing academic and professional qualifications in the recruitment Rules, the same provides that Forestry should be kept in view for recruitment to Indian Forest Services and the State Forest Services, and accordingly, the State Government has already recognized the subject of Forestry and have included the same as an eligibility criteria. Even in Indian Forestry Service, there is no prescription allowing any additional weightage or special preference to the graduates / post graduates in Forestry. It is further stated that after a person joins the Department, irrespective of whether he is from forestry or any other stream, they are imparted two years training where 19 different subjects are taught to enable them to perform their duties.

17. In terms of the order passed in WPPIL No. 19 of 2018, by an order dated 19.12.2018, a Committee was constituted in the Department for recommending the changes / amendments to be brought in the recruitment Rules for the posts of Assistant Conservator of Forest and Forest Ranger. The Committee, after due deliberation, had made recommendation for inclusion of Forestry and Agriculture in the corresponding Rules. Accordingly, an amendment was effected on 31.10.2020 in the Chhattisgarh Forest (Gazette) Service Recruitment Rules, 2015, for short, the Rules of 2015 and in the Chhattisgarh Forest Service (Combined) Education Rules, 2014, for short, the Rules of 2014 vide notification dated 27.09.2021.

18. Again, a State level Committee was constituted to re-consider the demands raised by the candidates and the said Committee comprising of Chief Secretary, State of Chhattisgarh, Principal Secretary, Forest and Climate Change Department, Secretary, General Administration Department, and the Principal Chief Conservator of Forest in its meeting held on 31.12.2021 decided that no other additional benefit is required to be allowed in favour of graduates or post-graduates in Forestry stream.

19. A rejoinder-affidavit was filed by the petitioners.

20. Mr. Mateen Siddiqui, learned counsel for the petitioners submits that academic institutions dealing with Forestry becomes redundant when the students of these institutions are not given any kind of preference while recruitments are made in Forest Department. It is submitted by him that forest management and protection needs to be approached in a

professional and scientific manner as it is essential for ensuring the sustainability of the environment and when the same is kept in view, there cannot be any manner of doubt that the candidates, who have a background in Forestry Sciences, would be the most suitable persons to meet the requirements of the job and therefore, the prayers made by the petitioners cannot be said to be unjustified. It is submitted that the strategies as laid down in National Forest Policy, 1988, have not been implemented in the recruitment Policy adopted by the State. He has assiduously urged that this Court, while disposing of WPPIL No. 19 of 2018, had opined that the Rules are required to be suitably amended to bring the same to be in tune with the needs of the hour for protection, maintenance, preservation and restoration of forest but the respondents have failed to attach any significance to the said order and had cursorily and without any proper application of mind opined that no further amendments are called for in the relevant Rules.

21. Abiding by the stand taken in the reply-affidavit, Mr. Pali submits that there is no challenge to any Rules and what the petitioners are essentially praying for is a direction from this Court to make amendments in the Rules according to their perception, and this Court, in exercise of powers under Article 226 of the Constitution of India, may not direct the Legislature or an executive authority to amend or enact a Rule in a particular manner. It is submitted that State is equally concerned for protection, preservation, reservation and restoration of forest and, on due deliberation, did not find favour for amending the relevant Rules as desired by the petitioners.

22. In such circumstances, the writ petitions deserve to be dismissed, he

contends. He relies on the decision of the Hon'ble Supreme Court in the case of *Supreme Court Employee Welfare Association v. Union of India and Others*, reported in *(1989) 4 SCC 167* and in *Zahoor Ahmad Rather & Others v. Sheikh Imtiyaz Ahmad & Others*, reported in *(2019) 2 SCC 404*.

23. Mr. Anand Mohan Tiwari, learned counsel, appearing for respondent No. 4 and Mr. Abhishek Sinha, learned senior counsel, appearing for the intervenors, endorse the submissions of Mr. Pali.

24. Mr. Sinha has also placed reliance in the decision of the Hon'ble Supreme Court in the case of *Mangalam Organics limited v. Union of India and Other*, reported in *(2017) 7 SCC 221*.

25. We have considered the submissions of learned counsel for the parties and have perused the materials on record.

26. In the State of Chhattisgarh, the total forest cover area is 43.13% and total forest area is about 44.21% and the State of Chhattisgarh occupies 3<sup>rd</sup> and 4<sup>th</sup> position with regard to forest cover and forest area, respectively.

27. It will be appropriate to reproduce the order dated 05.10.2018 passed in WPPIL No. 19 of 2018, in its entirety:

“1. The reason for these petitioners, who are students of Forestry, to file present Public Interest Litigation is that the State of Chhattisgarh is still insisting on recruiting generalists instead of specialists in the State Forest

Department. It cannot be anybody's case now that the management of forest resources of any State have to be now better protected and managed to hold on to the resources which are available. The Court would not be hesitant in saying that the awareness towards protection, maintenance, preservation and restoration of forest to maintain ecological balances has been brought into focus by the judicial intervention and a National Forest Policy, 1988 was notified by the Central Government.

2. Corresponding measures have been taken by most of the other States so the State of Chhattisgarh cannot be seen to be lagging behind since the State is fortunate to be bestowed with significant forest cover.

3. The courses and the syllabus, which may have been laid down earlier and incorporated in the Rules, especially Chhattisgarh Van Seva (Sanyukt) Pariksha, 2017 read with Rules, 2014, would be required to be suitably amended and brought in conformity with the needs of the hour as well as the National Forest Policy, 1988 which wants specialized course in Forestry to be included in the curriculum of various Universities so that said students with specialized knowledge could be hired for better implementation,

enforcement and preservation of forest.

4. The issue raised by the petitioners therefore in the present writ application does require a re-visit by the authorities of the State of Chhattisgarh and prayer made herein cannot be said to be misplaced.

5. Writ application therefore stands disposed off with a direction upon the Chief Secretary, Government of Chhattisgarh, Raipur as well as Principal Secretary, Department of Forest and Principal Secretary, Department of General Administration to sit together and take a decision as to what would be required to be done by way of amendments and changes in the existing rules or policy to give opening to the students who have specialization in Forestry. Such a decision should be taken by the State authorities within a reasonable time frame.”

28. A perusal of the order dated 05.10.2018 goes to show that the Chief Secretary, Government of Chhattisgarh, Raipur as well as the Principal Secretary, Department of Forest and Principal Secretary, Department of General Administration were directed to sit together and take a decision as to what was required to be done by way of amendments and changes in the existing Rules or Policy and such a decision should be taken within a reasonable time-frame.

29. WPS No. 3358 of 2021 was filed on 21.06.2021 and WPS No. 6643

of 2021 was filed on 24.10.2021. In both the writ petitions, reference to the order dated 05.10.2018 was made.

30. A perusal of the return filed by the State would go to show that a Committee was constituted on 19.12.2018. Who were the members of the Committee is not stated in the return. In the letter dated 06.08.2020 addressed by the Principal Chief Conservator Forest to the Chief Secretary, on the subject of amendment of Rules of 2015, there is no reference to the order of this Court in WPPIL No. 19 of 2018. For long three years, the order of this Court in WPPIL No. 19 of 2018 was not complied with as no material is placed before this Court that any time prior to 31.12.2021, the Chief Secretary, State of Chhattisgarh, Principal Secretary, Forest and Climate Change Department, Secretary, General Administration Department and the Principal Chief Conservator of Forest had sat together. It is only after the entertainment of these writ petitions, the Chief Secretary, State of Chhattisgarh, Principal Secretary, Forest and Climate Change Department, Secretary, General Administration Department had sat for a meeting for one day with the Principal Chief Conservator Forest, as a special invitee.

31. After a sitting on one date, a decision was taken that no amendment is called for. The manner in which the meeting was held persuades us to take a view that such a meeting was a mere window dressing just to show some kind of compliance of the order of this Court dated 05.10.2018, after long delay of three years.

32. We have serious doubt having regard to the manner in which meeting

was held and decision taken that there was really any serious consideration of the issues flagged by this Court in WPPIL No. 19 of 2018. It is not to say that this Court had directed the authorities to take a decision in a particular manner, but what was mandated is due and proper consideration of the relevant issues.

33. The question, however, arises as to whether in absence of any challenge to any particular Rule, this Court, in exercise of powers of judicial review, can direct framing of Rules or law in a particular manner.

34. The answer to the above question is well settled. It is not within the domain of the Court to legislate. The Courts do interpret the law and in such interpretation, certain creative process may also come to the fore. This Court has jurisdiction to declare a law as unconstitutional, when it is called for but this Court cannot embark upon a journey in policy making or Rule making by issuing a writ of mandamus.

35. In *Supreme Court Employees Welfare Association* (supra) and in *Mangalam Organics limited* (supra), it was categorically held that no Court can direct the legislature to enact a particular law. Similarly, when an executive authority exercises a legislative power by way of subordinate legislation, pursuant to delegated authority of a Legislature, such executive authority cannot be asked to enact the law, which it has been empowered to do under the delegated legislative authority.

36. In *Zahoor Ahmad Rather* (supra), at paragraph 27, it was observed as follows:

“27. While prescribing the qualifications for a post, the

State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in *Jyoti K.K. v. Kerala Public Service Commission*, reported in (2010) 15 SCC 596 must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in *Jyoti K.K.* (supra) turned.”

37. In view of the above discussion, we find no merit in these petitions and accordingly, the same are dismissed. Interim order passed earlier stand vacated.

38. However, since we have already held that we are not satisfied with

the manner and process in which the meeting dated 31.12.2021 was held and a decision taken, we direct the Chief Secretary, Government of Chhattisgarh, Raipur to re-visit the matter and after due deliberations with the Principal Secretary, Department of Forest and Principal Secretary, Department of General Administration, take a fresh decision in the matter.

39. We, however, hasten to add that we have expressed no opinion on the merits of the prayers made by the petitioners. Since on the last occasion, it took three years to hold a meeting for the purpose, which in no event can be held to be a reasonable period within which the decision was to be taken, we direct that a decision would be taken within a period of four months from today.

40. No cost.

Sd/-  
(Arup Kumar Goswami)  
Chief Justice

Sd/-  
(Parth Prateem Sahu)  
Judge