

S. RAMESH AND ANR.

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v.

STATE OF KARNATAKA AND ANR.

JULY 2, 1995

[KULDIP SINGH AND N. VENKATACHALA, JJ.]

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Karnataka Forest Department Services (Recruitment) Rules, 1987—Rule 2, proviso to Note in Schedule—Interpretation of—Recruitment of Assistant Conservators of Forests—Method of—When does a Range Forest Officer become eligible for being sent as a candidate to Diploma Course in Forestry.

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Applicants 1 and 2 completed the Forest Rangers Training Course conducted by Gujarat Forest Rangers College and each of them had stood first in such training course in his batch of candidates from all over India. Respondent - 2, the Principal Chief Conservator of Forests wrote a letter to the respondent - 1, State of Karnataka, making a request to send applicants 1 and 2 for Diploma Course in Forestry at State Forest Service College as provided for in the proviso to Note to the schedule to rule 2 of the Karnataka Forest Department Services (Recruitment) Rules, 1987, relating to recruitment of Assistant Conservators of Forests. However, respondent-1 did not send applicants as required for by respondent - 2 since a Division Bench of the Tribunal in the case of *Rajshekharam v. State of Karnataka & Ors.*, (1990) KSLJ 161, had by then construed the words 'the candidate who stood first in the Forest Rangers College' in the proviso to the Note as the candidate who stood first among the candidates who had completed the Rangers Forest Training Course from different institutions or colleges on merit. The applicants 1 and 2 filed applications before the Tribunal seeking issuance of directions to the respondents to send them for the Diploma Course in Forestry to a College or Institute recognised by the Government of India. A Division Bench of the Tribunal referred the applications for being decided by a full Bench of the Tribunal while holding that the decision in the case of *Rajshekharam* required reconsideration. The full Bench held that the Note and the proviso in the schedule to Rule 2 to the Rules required selection of candidates for Diploma Course in Forestry only from amongst the Range Forest Officers, who were eligible for promotion to the higher cadre of Assistant Conser-

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A vator of Forests while holding that the view taken in *Rajshekharan* case to the effect that the proviso to Note concerned required selection of a candidate who stood first among the candidates who had completed the Rangers Forest Training Course from different colleges or institutions on merit was incorrect.

B These Civil Appeals had been filed against the decision of the full Bench of the Tribunal. The question raised to be considered was as to when does a Range Forest Officer become eligible under the proviso to the Note in the schedule to Rule 2 for being sent as a candidate to Diploma Course in Forestry in a Forest Research Institute or college either established or recognised by the Government of India.

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Allowing the appeals, this Court

D HELD : The proviso to the Note in the Schedule to Rule 2 of the Karnataka Forest Department Services (Recruitment) Rules, 1987, relating to the recruitment of Assistant Conservators of Forests entitles a Range Forest Officer to compete with the direct recruits and be sent by the State Government for Diploma Course in Forestry in a Forest Research Institute or College either established or recognised by the Government of India, subject to Rules of Admission of such Institute or College, so as to make him further eligible for direct recruitment as Assistant Conservator of Forests within the quota available for direct recruitment to the cadre of Assistant Conservators of Forests. A Range Forest Officer who has stood first in his Rangers Forest Training Course in a college or institute need not wait for his selection to be made by Public Service Commission for being sent to Diploma Course in Forestry. Since, each of the applicants 1 and 2 had stood first in the Rangers Forest Training Course of Gujarat Forest Rangers College, both of them were entitled to be sent for Diploma in Forestry. [812-G-H, 813-A]

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G CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 3198-99 of 1993 Etc.

From the Judgment and Order dated 23.8.91 of the Administrative Tribunal of Karnataka in Application Nos. 2016 & 2017 of 1991.

H N.B. Shetye, M.L. Verma, Devendra Singh, M. Veerappa, R.P. Wadhvani, S.K. Kulkarni for Ms. Sangeeta Kumar, G.V. Chandrasekhar

for M.T. George, E.C., Vidyasagar for Gopal Singh and K.V. Mohan for the appearing parties. A

The Judgment of the Court were delivered by

VENKATACHALA, J. Order dated 23.8.1991 made in Applications Nos. 2016-17 of 1991 by a Full Bench of the Karnataka Administrative Tribunal - "the Tribunal", has been impugned by both the applicants and the respondents therein by filing the above two sets of Civil Appeals against that order. B

For the purpose of convenience, we shall hereinafter refer to the parties in these appeals, according to the ranking assigned to them in the common cause title of the applications before the Tribunal. In those applications, while S. Ramesh and N. Shivaraju were, respectively, Applicants 1 and 2, the State of Karnataka, represented by the Secretary to Government and the Principal Chief Conservator of Forests were, respectively, Respondents 1 and 2. C D

Gujarat Forest Rangers College, is conducting Forest Ranger Training Courses every year for candidates sent there from various States in the country for such courses. Applicant 1 belonged to first batch of candidates of the year 1989, who took such training course from the said College, while applicant 2 belonged to second batch of candidates, who took similar training course in the same year, from the same College. Both of them belonged to the cadre of Range Forest Officers of the Forest Department of Karnataka and had been sent for the said training courses by the Government of Karnataka. Each of them stood first among his batch of candidates, who completed such training course and got from the College a certificate to that affect along with Gujarat Gold Medal, meant for a candidate securing first rank in the training course. E F

Respondent-2, the Principal Conservator of Forests, who took note of the fact that applicants 1 and 2 had completed the Forest Rangers Training Course conducted by Gujarat Forest Rangers College and each of them had stood first in such training course in his batch of candidates from all over India, wrote a letter to respondent-1 on 31.10.90 making a request to send applicants 1 and 2 for diploma Course in Forestry at State Forest Service College, Coimbatore, as provided for in the proviso to Note in the Schedule to rule 2 of the Karnataka Forest Department Services H

- A (Recruitment) Rules, 1987 - "the Rules", relating to recruitment of Assistant Conservators of Forests. However, respondent-1 did not send applicants-1 and 2 as required for by respondent-2, since a Division Bench of the Tribunal in the case of *Rajshekharan v. State of Karnataka & Others*, (1990) KSLJ 161, had by then construed the words "the candidate who stood first in the Forest Rangers College" in the proviso to the said Note as the candidate who stood first among the candidates who had completed the Rangers Forest Training Course from different institutions or colleges on merit, i.e., honour. This situation led applicants 1 and 2, to file the aforesaid applications before the Tribunal seeking issuance of directions to the respondents to send them for the Diploma Course in Forestry to a college or institute recognised by the Government of India, as provided for under the said proviso to the Note. A Division Bench of the Tribunal which considered the said applications, took the view that the decision in the case of *Rajshekharan* (supra) required reconsideration by a Full Bench of the Tribunal. Consequently, that Division Bench referred to applications for being decided by a Full Bench of the Tribunal. Subsequently, a Full Bench of the Tribunal, which heard the said applications, no doubt found that the view taken by a Division Bench of the Tribunal in *Rajshekharan* case (supra) to the effect that the proviso to Note concerned required selection of a candidate who stood first among the candidates who had completed the Rangers Forest Training Course from different colleges or institutions on merit was incorrect, but took the view that the Notice and the proviso in the Schedule to Rule 2 to the Rules, relating to recruitment of Assistant Conservators of Forests, required selection of candidates for Diploma Course in Forestry only from amongst the Range Forest Officers, who were eligible for promotion to the higher cadre of Assistant Conservators of Forests. It made an order accordingly on 23.8.1991. That order, has now been impugned in the two sets of Civil Appeals filed by the parties to the applications, on either side, as stated at the outset.

G We have heard the arguments of learned counsel for the parties in the appeals. The question which calls to be considered and answered in deciding the appeals in the light of the said arguments, could be formulated thus:

H When does a Range Forest Officer become eligible under the proviso to the Note in the provision relating to recruitment of Assistant Conservators of Forests in the Schedule to Rule 2 of the Rules, for being sent as candidate to Diploma Course in Forestry

in a Forest Research Institute or College either established or recognised by the Government of India. A

Since the answer to the said question has to depend on the construction to be placed by us on the proviso to Note relating to the provision of recruitment of Assistant Conservators of Forests in the Schedule to Rule 2 of the Rules that provision, insofar as it is material, is reproduced: B

SCHEDULE

Category of Posts	Method of recruitment	Minimum Qualification
1	2	3
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Asstt. Conservator of Forests	Fifty per cent by Direct Recruitment and fifty per cent by promotion from the cadre of Range Forest Officers.	For Direct Recruitment : Must be a holder of Diploma in Forestry from a college or Institute recognised by the Government of India or possess equivalent qualification. For Promotion : Must have put in service of not less than eight years service in the cadre of Range Forest Officer including the service if any, rendered as Range Forest Officers Grade-I and Range Forest Officers Grade-II.
	NOTE :- There shall be a preliminary selection of a candidate for Diploma Course in Forestry in a Forest Research Institute or College established or recognised by the Government of India in accordance with the rules laid down for admission thereto and the selection shall be made by the Karnataka Public Service Commission.	
	Provided that for selecting a candidate for such Diploma Course, no selection by Karnataka Public Service Commission shall be necessary if, such candidate has stood first in the Forest Rangers Collect;	
	Provided further that for a period of five years from the date of commencement of these rules, the posts of	

A	Assistant Conservators of Forests shall be filed as follows:-	
B	Twenty five per cent by Direct Recruitment and seventy five per cent by promotion from the cadre of Range Forest Officers.	
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- C The above provision, as seen therefrom, relates to category or cadre of Assistant Conservators of Forests posts, recruitment of persons to such posts, and the qualifications of such persons. What is provided for under the head "Method of recruitment" makes it clear that 50 per cent posts in the cadre are to be filled up by direct recruitment, while the remaining 50 per cent of such posts are to be filled up by promotion from the cadre of
- D Range Forest Officers. When the second proviso to the Note is seen, it becomes clear therefrom, that filling of such posts by direct recruitment should be restricted to 25 per cent while filling of such posts by promotion from the cadre of Range Forest Officers should be increased to 75 per cent, during the period of five years from the commencement of the Rules.
- E What is then provided for under the head "Minimum qualification" makes it clear that Range Forest Officers in the next below cadre to the cadre of Assistant Conservators of Forests would become eligible for recruitment to the higher cadre of Assistant Conservators of Forests by promotion when they once put in eight years of minimum service as Range Forest Officers Grade-I or Grade-II. But, as seen therefrom, the minimum qualification required of persons who want to enter the cadre of Assistant Conservators of Forests by direct recruitment is that they must be holders of Diploma in Forestry from a college or institute recognised by the Government of India or possess equivalent qualification. Therefore, if a
- F Range Forest Officer in the cadre of Range Forest Officers, becomes a holder of Diploma in Forestry from a college or institute recognised by the Government of India or possessed equivalent qualification, he would also be a candidate eligible for direct recruitment to the cadre of Assistant Conservators of Forests even if he is not put in the minimum eight years service as a Range Forest Officer which would have by itself made him
- G eligible for promotion to the cadre of Assistant Conservators of Forests.
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The Note in the above provision, if is seen, the selection of candidates to be made by the Public Service Commission does not exclude the Range Forest Officers who will have applied for posts of Assistant Conservators of Forests along with outsiders. The Note, therefore, undoubtedly enables the Range Forest Officers in the lower cadre, who are not qualified to be promoted as Assistant Conservators of Forests for want of the required minimum eight years of service, to become Assistant Conservators of Forests, if they are selected by the Public Service Commission for being sent for Diploma in forestry in a Forest Research Institute or College either established or recognised by the Government of India, and they secure the required Diploma in Forestry from such College or Institution. Such selection, if has to be made by the Public Service Commission, it has to be in accordance with the Rules laid down for admission to Diploma courses as provided for in the Note, cannot also be doubted. Hence, the Note could be regarded, as a general provision which enables the Range Forest Officers in the lower cadre, who are already in the service of the State to get selected through Public Service Commission along with outsiders for being directly recruited to the higher cadre of Assistant Conservators of Forests. However, if the proviso to that Note is seen, it becomes clear therefrom that a Range Forest Officer, who had stood first in the Forest Rangers College, is not required to go through the process of selection by the Public Service Commission and is entitled to be doubted for Diploma Course in Forestry on the basis of his having stood first in the Forest Rangers College. Indeed, the proviso to the Note requires the Government, without selection by the Public Service Commission, to send a Forest Range Officer, who has stood first in the Rangers Forest Training Course in the concerned Forest Rangers College, for Diploma Course in Forestry in any college or institution, as and when a seat becomes available if he is otherwise eligible under the rules of the concerned College or Institute for admission to such Diploma Course. When the proviso is seen, the object which is sought to be achieved by it becomes apparent, i.e. to make Range Forest Officers, who are sent from Karnataka to undergo Rangers Forest Training Course to compete with other candidates of their batch who will have come from all over India, by fully involving themselves in such training course and achieving top position among them when all of them complete such training course. Therefore, if the proviso provides for sending for Diploma Course in Forestry a Range Forest Officer, who stood first in his College, without selection by the Public Service Commission, it cannot be

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A challenged on the ground of arbitrariness. If by the proviso a Ranger Forest Officer, who has stood first in the Rangers Forest Training Course in a college is preferred to others who have not taken such first place, the matter of sending him for Diploma in Forestry cannot offend Article 14 of the Constitution as had been thought by the Tribunal while deciding *Rajshekhara*n case (supra), since it is based on reasonable classification which has nexus to the object sought to be achieved by making candidates of the State, sent to a College for Rangers Forest Training Course, evince keen interest in getting the first place in such training, so that the training got by them could improve their efficiency in performance of their duties when they return for work.

C We, therefore, uphold the finding of the Full Bench of the Tribunal to the effect that the Division Bench of that Tribunal in *Rajshekhara*n case (supra) was not justified in taking the view that those Range Forest Officers, who had passed on merit (Honours), when they completed their Range Forest Officers Training Course in a College or Institute, should also be considered along with the candidates who had stood first in the Rangers Forest Training Course from different institutions or colleges. However, we are unable to see how the Full Bench of the Tribunal could have come to the conclusion that only the Range Forest Officers, who would have become eligible for promotion to the cadre of Assistant Conservators of Forests, could only be considered for selection to the Diploma Course in Forestry, when the provision on which it has based such conclusion does not impose such eligibility restriction as becomes apparent from the scheme of the provision which is set out by us.

F For the foregoing reasons, our answer to the question under consideration is that the proviso to the Note in the provision relating to the recruitment of Assistant Conservators of Forests in the Schedule to Rule 2 of the Rules entitled a Range Forest Officer to compare with the direct recruits and be sent by the State Government for Diploma Course in Forestry in a Forest Research Institute or College either established or recognised by the Government of India, subject to Rules of Admission of such Institute or College, so as to make him further eligible for direct recruitment as Assistant Conservator of Forests within the quota available for direct recruitment to the cadre of Assistant Conservators of Forests. From the said answer to the question, it follows that a Range Forest Officer

H who has stood first in his Rangers Forest Training Course in a college or

institute need not wait for his selection to be made by Public Service Commission for being sent to Diploma Course in Forestry. Since, each of the applicants 1 and 2 had stood first in the Rangers Forest Training Course of Gujarat Forest Rangers College, both of them are entitled to be sent for Diploma in Forestry.

In the result we allow all the above Civil Appeals, set aside the judgment of the Full Bench of the Tribunal except to the extent of its disapproval of *Rajshekhara's* case (supra) and further allow applications of the applicants made before the Tribunal and direct the respondents therein to send the applicants for the Diploma Course in Forestry on priority basis as and when seats become available for them in any of the colleges established or recognised by the Government of India, so that they may become qualified for being considered for appointment as Assistant Conservators of Forests by direct recruitment. No costs.

SLP (C) Nos. 8218/94 and SLP (C) 10014-24 of 1991

VENKATACHALA, J. The petitioners in these petitions are Officers in the cadre of Range Forest Officer of the Forest Department of Karnataka State. Whenever they had been sent by the State to different Forest Rangers Colleges or Institutes for obtaining Rangers Forest Training, they completed such training course in Honours. Admittedly, although they did not stand first among the candidates of their respective batches of trainees in the College or Institute concerned, in the applications filed by them before the Karnataka Administrative Tribunal - "the Tribunal", they sought for issuance of directions to the State Government for sending them to undergo diploma course in Forestry, so as to make them eligible for direct recruitment to the cadre of Assistant Conservators of Forests, invoking the application of the Note and its proviso in the Schedule to rule 2 of the Karnataka Forest Department Services (Recruitment) Rules, 1987 - "the Rules", relating to recruitment of Assistant Conservators of Forests. Such applications being rejected by the orders made by the Tribunal, the present Special Leave Petitions are made seeking leave to appeal against those orders.

In our judgment in Civil Appeal Nos. 3198-99 of 1993 Etc. - *S. Ramesha & Anr. Etc. v. The State of Karnataka & Anr. Etc.*, pronounced today, we have held that the proviso to Note in the Schedule to Rule 2 of the Rules relating to recruitment of Assistant Conservators of Forests

- A** enables the State Government to send only the Range Forest Officers who will have stood first in the Rangers Forest Training Course in the college or institution established or recognized by the Central Government for Diploma in forestry course and not Range Forest Officers, who had completed such training merely with Honours. However, we have clarified in the said judgment that the Karnataka Public Service Commission could
- B** select Range Forest officers for Diploma course in Forestry, as provided for in the Note in the Schedule to Rule 2 of the Rules relating to recruitment to posts of Assistant Conservators of Forests. We have also further clarified therein that the Note cannot be understood as that which requires only such Range forest Officers who had completed eight years of service
- C** as Range Forest Officers Grade-I or Grade-II to seek selection for Diploma in Forestry, so as to make them eligible for consideration by direct recruitment to the cadre of Assistant Conservators of Forests, as has been held by a Full Bench of the Tribunal.

- D** Therefore, the State Government cannot be directed to sent the petitioners of Diploma in forestry unless selected by Karnataka Public Service Commission under the Rules, as may be required by the State Government taking into consideration the availability of seats in Diploma Course in Forestry in the colleges or institutes concerned. In the said view of the matters, no special leave can be granted in respect of the orders of
- E** the Tribunal as has been sought for in the Special Leave petitions.

In the result, the Special Leave Petitions are rejected, however, without costs.

R.A.

-Appeal allowed.
Petition rejected.