

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11353 of 2017

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Ashok Kumar, S/o Late Krishnadeo Sharma, Resident of Village- Arkdhibaria, P.S.- Tekari, District- Gaya at present posted as Forest Guard, Gurpa Forest Region, Gaya Forest Division, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department, Government of Bihar, Third Secretariat, Bihar, Patna.
2. The Principal Chief Forest Conservator, Bihar, Patna at Aranay Bhawan, Riding Road, Sheikhpura, Patna.
3. The Chief Forest Conservator, Administration and Human Resources Development, Bihar, Patna.
4. The Forest Conservator, Circle Anchal, Gaya.
5. The Forest Divisional Officer, Gaya, Bihar.
6. Suresh Prasad Singh, S/o Ambika Singh, at present posted as Banpal (Forester) in Purnia Forest Division, Purnia, District- Purnia, Bihar.
7. Suresh Singh, Forester, Gopalganj Ban Permandal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Adv.
For the Respondent/s : Mr. Chitranjan Sinha- PAAG2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 16-08-2018

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is claiming promotion to the post of Forester as he was appointed as a Forest Guard.

The short fact of this case is that the petitioner was appointed as Forest Guard on 11.8.1980. Though some of the juniors have been granted promotion to the post of Forester in the year 2013 itself and, even after, recommendation for promotion made by the respondent nos. 3 to 5, the petitioner was deprived of his promotion but, during pendency of the writ



application, the Principal Chief Conservator of Forest has issued notification vide 143 dated 21.11.2017 wherein altogether 90 persons have been promoted to the post of Forester including the petitioner but, he has been granted the benefit of promotion from the date of notification itself.

The grievance has been limited to the extent that he should be granted promotion from the date the juniors have been granted.

As per statement, the juniors have been granted their promotion from 2013 whereas the petitioner has been granted the same benefit from 2017 and, so, it should have been made retrospective from the date his juniors have been granted.

In view of the above, let the petitioner should file a representation before the Chief Conservator of Forest and if he would arrive to a finding that certain juniors have been granted promotion much earlier, in such circumstances, the petitioner should also be granted the promotion to the post of Forester including monetary benefit from the same date the juniors have been given.

The Chief Conservator of Forest will dispose of the representation of the petitioner within a period of three months



from the date of filing of the representation along with a copy of this order.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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