

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3608 of 2013

Brijesh Prasad Divedi S/o Shri Radhika Prasad Divedi, aged about 50 years, Occupation Service, Working as Forest Guard, West Barel, Range-Baharasi, Forest Division – Manendragarh, R/o Forest Colony, Janakpur, Post and Thana Janakpur, District Koriya (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Government of Chhattisgarh, Department of Forest, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.).
2. Conservator of Forest, Forest Circle, Ambikapur, District Ambikapur (C.G.).
3. The Divisional Forest Officer, Forest Division – Manendragarh, District Koriya (C.G.).
4. Forest Ranger, Forest Range-Baharasi, Forest Division – Manendragarh, District Koriya (C.G.).
5. Director, Forest Guard Training School, Ambikapur, District Surguja (C.G.).

---Respondents

For petitioner	:	Shri R.K.Bhagat on behalf of Shri Vinay Pandey, Advocate.
For resp.No.3	:	Shri H.S.Patel, Advocate.
For State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2018

1. The challenge in the present Writ Petition is to the action on part of the respondents in sending the petitioner for undergoing training of Forest Guard.
2. The contention of the counsel for the petitioner is that, since the petitioner had crossed the age of 45, under the circulars of Erstwhile State of

Madhya Pradesh, a person who have crossed the age of 45 cannot be sent for training and they would be deemed as Forest Guard on their crossing the age of 45.

3. However, perusal of record, particularly the Annexure enclosed with the reply dated 19/24-9/2002 would clearly reflect that, the earlier circular of the Erst While State of Madhya Pradesh stood superseded by the said order and in the said order dated 19/24-9/2002, the age fixed for exemption from undergoing training of Forest Guard was 55.

4. In the instant case, on the date of filing of the Writ Petition or on the date of issuance of the impugned orders Annexures-P/1 and P/2, the petitioner was below 55 and therefore the case of the petitioner would be governed by the circular of the State Government dated 19/24-9/2002.

5. In the given facts, this Court does not find any strong case made out by the counsel for the petitioner seeking for quashment of the impugned orders Annexures-P/1 and P/2.

6. The Writ Petition thus being devoid of merit deserve to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE