

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.781 of 2022

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Rakesh Ranjan Son of Late Rameshwar Dubey Resident of Mohalla- North
Mandiri, Chhakkan Tola, P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Environment, Forest and Climate Change, Govt. of Bihar, Patna.
3. The Nodal Officer, Department of Environment, Forest and Climate Change, Govt. of Bihar, Patna.
4. The Chairperson, Bihar Combined Competitive Entrance Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kr. Singh (AAG-13)
		Mr. Rajat Kumar Tiwary, AC to AAG-13
For the Intervenor	:	Mr. Abhinav Srivastava, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-10-2023

Re.: I.A. No. 01 of 2023

Having gone through the Interlocutory Application also taking into account the circumstances that the persons who are seeking intervention are people, who have been appointed under the notification, they are allowed to be impleaded as additional respondents into the writ petition.



2. I.A. No.01 of 2023 stands disposed of.

3. Registry to carry out necessary addition of parties in the cause title of the writ petition.

Re.: C.W.J.C. No. 781 of 2022

4. The challenge in the writ petition is with respect to the prescription of academic qualification for the post of Amin in the Department of Environment, Forest and Climate Change, Government of Bihar Amin Cadre (Recruitment and Service Rules, 2020). The requirements for applying to the post of Amin is intermediate (10+2) or any other equivalent examination from any recognized Board or equivalent Institution.

5. Learned Senior counsel for the petitioner, Sri Ashok Kumar Chaudhary, took us through the Bihar Forest Rules, which specifies Amin as a 'Technical Officer'. Hence, an Amin has to have the technical qualification of a Surveyor, which also is the prescription as per the earlier cadre rules, is the specific contention. Sri Abhinav Srivastava, who appears for the intervenors points that there is a weightage given to the experienced Amins and the selection is also based on a written examination. It is also pointed out that the petitioner, who is also an intermediate never applied under the advertisement and as of



now, the intervenors are appointed. The appellant is working on contract basis in the post of Anchal Amin in the Bakhtiyarpur Block, Patna. Applications were called for by Annexure-5 to the post in the year 2020. As was noticed, the applicant did not apply for the post and the present challenge is raised in the year 2022.

6. We have also looked at the Bihar Forest Rules, where the duties of sub-ordinate officers have been delineated. The designation of 'Technical Officers' is stated to be including surveyor, amin, marking officer and filling officer and so on. At the outset, we have to notice that there is a clear description insofar as a Surveyor and an Amin are concerned; separately, and merely for the reason of the common nomenclature given to various posts; of Technical Officers, there is no reason to assume that there should be technical qualification for such an appointment.

7. In fact, the learned Senior Counsel asserted that earlier the Rules contained this technical qualification and produced before us a notification of the year 2013. We see that the notification brought out the Bihar Amin Cadre Rules, 2013. Specifically it is brought out to regulate the recruitment and other service conditions of the Amins for Districts, Directorate



of Consolidation and Directorate of Land Records And Survey of the State of Bihar. Therein, under Rule 6, for appointment to the post of Amin, a candidate should have the essential qualification of intermediate (10+2) or equivalent qualification and degree of *Amanat* from a Government recognized Institute or success in the training of surveyor from ITI. The present rules challenged by the petitioner is a Rule of 2020 brought in for regulating the recruitment and service conditions of Amins in the Department on Environment, Forest and Climate Change, Government of Bihar. It is for the respective departments to decide on the job specifications and decide the qualification.

8. We reiterate that the mere nomenclature of Technical Officers does not necessarily imply the required qualification also to be a technical one. We also notice the job description under the Bihar Forest Rules which are as under :-

2. The Officers of above description, in general, shall:-

- (i) Act in subordination and in accordance with the orders of the Divisional Forest Officers;
- (ii) discharge their duties in conformity with the Manuals, Acts, Rules and standing orders that have been or may be enforced from time to time relating to the Forest Department;
- (iii) Visit all forests within their respective charges and keep a strict watch on the proper conservancy of the forest;
- (iv) see that the boundary marks are in proper condition;
- (v) report promptly any occurrence affecting the welfare of trees, people and animals;
- (vi) make enquiries and take suitable action in accordance



with the Rules in force in the event of any forest offence being committed, keeping in view of the provisions of Section 61 of the Indian Forest Act for wrongful seizure;

(vii) keep strict watch that the forests in their respective charges are not injured by fire;

(viii) see that cattle do not trespass in closed forest areas and graze in any open area without fees paid in accordance with the Rules in force;

(ix) exercise proper supervision on the removal of forest produce by Government agency, consumers, free grantees and by privileged or right holders.

The job description does not indicate any survey work having been required of the Amins appointed.

9. We are also of the opinion that the petitioner, who has not applied for the post cannot challenge the same, that too, 2 years after the applications were called for.

10. We reject the writ petition considering the challenge against the rule itself and the qualification prescribed. The parties are left to suffer their respective costs.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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AFR/NAFR	NAFR
CAV DATE	
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