

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11908 OF 2024

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| 1. The State of Maharashtra, |] | |
| Through Revenue and Forest Department |] | |
| 2. The Principal Chief Conservator of Forest, |] | |
| (Head of Forest Force), Nagpur |] | |
| 3. The Deputy Conservator of Forest (Wildlife), |] | |
| Gokhale Nagar, Pune |] | .. Petitioners |

Versus

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| 1. Dnyaneshwar Manohar Bhoir, |] | |
| Forest Labour, Kondhwal, Dist. Pune |] | |
| 2. Balu Sitaram Bhoir, |] | |
| Forest Labour, Kondhawal, Dist. Pune |] | |
| 3. Pradeep Shantaram Damase, |] | |
| Forest Labour, Kondhawal, Dist. Pune |] | |
| 4. Santosh Balaji Chavan, |] | |
| Forest Labour, Umardari (Wali), Dist. Nanded |] | |
| 5. Sachin Kacharu Doifode, |] | |
| Daily Wage Forest Labour, Mumbai. |] | |
| 6. Sharad Gangaram Shinde, |] | |
| Daily Wage Forest Labour, Thane |] | .. Respondents |

ALONG WITH

INTERIM APPLICATION NO.6797 OF 2025

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| 1. Dnyaneshwar Manohar Bhoir, |] | |
| Forest Labour, Kondhwal, Dist. Pune |] | |
| 2. Pradeep Shantaram Damase, |] | |
| Forest Labour, Kondhawal, Dist. Pune |] | |
| 3. Santosh Balaji Chavan, |] | .. Applicants / |
| Forest Labour, Umardari (Wali), Dist. Nanded |] | Org. Resp.1, 3 & 4 |

Ms. Neha S. Bhide, Government Pleader, with Mrs. Reena A. Salunkhe, Assistant Government Pleader for the Petitioners.

Mr. Rajeshwar G. Panchal (through V.C.) with Mr. Suresh Ghamre, Mr. K.S. Jadhav and Mr. Sarang S. Gundajwar, Advocates for Respondent Nos.1 to 4.

Mr. Shantanu Raktate, Advocate for Respondent Nos.5 and 6.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 21ST APRIL 2025.

PC. :

1. Heard learned counsel for the parties.
2. The challenge raised in this writ petition is to the judgment dated 26th February 2024 passed by the Maharashtra Administrative Tribunal in Original Application Nos.820 of 2023 and 1395 of 2023. By the said judgment, the respondents herein who were serving as Daily Wage Forest Labourers were held entitled to avail the opportunity of participating in the recruitment process pursuant to Advertisement No.10 of 2003 dated 8th June 2023 in terms of the Government Resolution dated 16th October 2012 by availing 10% 'Parallel Reservation' in Group "C" and Group "D" posts under the Forest Department.
3. It is the case of the respondents that they have been working as Forest Labourers for a period exceeding five years and they possess requisite educational qualifications and experience for seeking appointment on the post of Forest Guard. An advertisement dated 8th June 2023 for filling in 2,138 vacancies came to be issued by the Forest Department. 10% of those posts were kept reserved for candidates who had completed service of 240 days in a year for a period of five years and

more. Thus, 208 posts were accordingly kept reserved. The respondents submitted their applications seeking consideration under the 10% quota that was reserved for Daily Forest Workers. On 30th June 2023, the respondents were informed that they did not satisfy the requirements of Clause 8(d) of the Government Resolution dated 16th October 2012 and hence they were held not eligible to participate in the recruitment process. Being aggrieved, the respondent nos.1 to 4 filed Original Application No.1395 of 2023 seeking consideration of their claim for seeking appointment in the 10% quota. Respondent nos.5 and 6 also filed Original Application No.820 of 2023 making a similar prayer.

4. On behalf of the Forest Department, it was stated that as the respondents did not satisfy the requirements of Clause 8(d) of the Government Resolution dated 16th October 2012 as well as the clarification that was given vide Office Circular dated 31st August 2013 issued by the Principal Chief Conservator of Forest, Nagpur, they were not eligible for the 10% reservation. The Tribunal heard both the Original Applications and found that the Circular dated 31st August 2013 issued by the Principal Chief Conservator of Forest was discriminatory and it restricted the opportunity of public employment only to those Daily Wage Forest Workers who were eligible having served for the period from 1st October 1994 till 30th June 2004 but did not include such Daily Wage

Forest Workers who were engaged after 30th June 2004 and had fulfilled the eligibility criteria of service of 240 days in a year for a period of five years. After referring to the subsequent Government Resolution dated 10th May 2018 and observing that there was no reference to the Circular dated 31st August 2013 therein, the Original Applications were allowed and the respondents were held entitled to seek the opportunity of participating in the recruitment process under the 10% 'Parallel Reservation' as per Clause 8(d) of the Government Resolution dated 16th October 2012. The Department of Revenue and Forest being aggrieved by the said judgment has challenged the same in the present writ petition.

5. We have heard the learned counsel for the parties and with their assistance we have also perused the documents on record. Similar contentions as were raised before the Maharashtra Administrative Tribunal were reiterated before this Court. While the petitioners contended that it was necessary for the respondents to have satisfied the requirement of service during the period from 1st November 1994 to 30th June 2004 as per Government Resolution dated 16th October 2012, the respondents contend that for seeking benefit of 10% reservation in Group "C" and Group "D" posts, service rendered after 30th June 2004 could also be taken into consideration. The learned counsel for the petitioners relied upon the decision in *Dilip Kumar Garg and Anr. Vs. State of Uttar Pradesh and Ors.*,

(2009) 4 SCC 753, while the learned counsel for the respondents placed reliance on the judgment of the Special Bench of Allahabad High Court in *Smt. Amarawati and Anr. Vs. State of U.P.*, 2005 Cri. L.J. 755. We have considered the respective submissions and after giving due consideration to the same, we are of the view that the impugned judgment does not call for any interference.

6. The Government Resolution dated 16th October 2012 has been issued by the Revenue and Forest Department in the matter of regularizing the services of Forest Workers through the funds received by the Forest Development Corporation. This Government Resolution is in two parts. Clauses 1 to 7 relate to the manner in which the services of those Forest Workers who had discharged duties annually for minimum 240 days for a minimum of five years between 1st November 1994 to 30th June 2004 could be regularized. Clauses 8 to 12 refer to recruitment of Group “C” and Group “D” posts with the Forest Department. While prescribing relaxation in age limit, it has also been stated that 10% posts ought to be kept reserved for Daily Forest Workers by granting them age relaxation. Thus, while proposing to regularize services of those Forest Workers who had worked for a period of minimum five years for 240 days every year, the services required to be rendered were between 1st November 1994 to 30th June 2004. It is but natural that if the services of such Forest Workers

are regularized, there would be no occasion for those Forest Workers to participate in fresh recruitment process taking the benefit of age relaxation. An opportunity to participate in the recruitment process has been granted to those Daily Forest Workers who do not fall in the eligibility prescribed by Clauses 1 to 7. Participation in the recruitment process is by virtue of age relaxation as prescribed by Clause 8. The Tribunal has rightly considered the aforesaid Government Resolution while granting relief to the respondents and permitting them to participate in the process of recruitment.

7. The entire thrust of the submissions on behalf of the petitioners is on the Circular / communication dated 31st August 2013 issued by the Principal Chief Conservator of Forest, Nagpur. It refers to the Government Resolution dated 16th October 2012 and further states that Clause 8(d) of the said Government Resolution would also be applicable to Daily Wage Forest Workers. The effect of this communication is that even for participating in the recruitment process and seeking benefit of the 10% reservation, service is required to be rendered for a period of five years with 240 days of annual service between 1st November 1994 to 30th June 2004. In our view, the Tribunal has rightly found that the said Circular has been issued by misconstruing Government Resolution dated 16th October 2012. This conclusion of the Tribunal is correct as it has been found that the said Government Resolution operates in two different spheres. To

reiterate, when the services of a Forest Worker can be regularized under Clauses 1 to 7 of the Government Resolution dated 16th October 2012, the very same Forest Worker would not be required to participate in the process of recruitment under Clauses 8 to 12 of the said Government Resolution.

8. Thus, taking an overall view of the matter, we find that the Maharashtra Administrative Tribunal was justified in holding the Circular dated 31st August 2013 issued by the Principal Chief Conservator of Forest, Nagpur to be discriminatory as it restricted the opportunity of public employment to Daily Wage Forest Workers, who were engaged after 30th June 2004 and had fulfilled the eligibility criteria of annual service of 240 days in any five years.

9. Hence, for all these reasons, we do not find any case made out to interfere in exercise of the writ jurisdiction. The writ petition therefore stands dismissed with no orders as to costs. Accordingly, the interim application also stands disposed of.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]