

Supreme Court of India

1. S. Ramesha2. N. Shivaraju Etc vs 1. The State Of ... on 2 July, 1995

Equivalent citations: 1996 AIR 718, 1995 SCC Supl. (3) 260

Author: V N.

Bench: Venkatachala N. (J)

PETITIONER:

1. S. RAMESHA2. N. SHIVARAJU ETC.

Vs.

RESPONDENT:

1. THE STATE OF KARNATAKAREPRESENTED BY ITS SECRETARYTO GOVE

DATE OF JUDGMENT02/07/1995

BENCH:

VENKATACHALA N. (J)

BENCH:

VENKATACHALA N. (J)

KULDIP SINGH (J)

CITATION:

1996 AIR 718

1995 SCC Supl. (3) 260

JT 1995 (5) 167

1995 SCALE (4)258

ACT:

HEADNOTE:

JUDGMENT:

THE 2ND DAY OF JULY, 1995 Present:

Hon'ble Mr. Justice Kuldip Singh Hon'ble Mr. Justice N. Venkatachala Mr. N.B.Shetye and Mr.M.L.Verma, Sr.Advs., Mr. Devendra Singh, Mr.M. Veerappa, Mr. R.P. Wadhvani, (Mr.S.K. Kulkarni) Adv for Ms.Sangeeta Kumar, (Mr. G.V. Chandrasekhar) Adv. for Mr.M.T. George, (Mr.E.C. Vidyasagar) Adv. for Mr. Gopal Singh, Adv. Mr.K.V. Mohan, Advs. with them for the appearing parties.

J U D G M E N T S The following Judgment of the Court were delivered :

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL
APPEAL NOS. 3198-99 OF 1993

1. S. Ramesha

2. N. Shivaraju Versus

1. The State of Karnataka represented by its Secretary to Government, Fisheries and Forest Department, Bangalore.

2. The Principal Chief Conservator of Forests, Bangalore etc. AND CIVIL APPEAL NOs. 4386-4387 of 1993

1. The State of Karnataka represented by its Secretary to Government, Fisheries and Forest Department, Bangalore and

2. The Principal Chief Conservator of Forests, Bangalore.

Versus

1. Sri S. Ramesha, and

2. Sri N. Shivaraju J U D G M E N T 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.

For the purpose of convenience, we shall hereinafter refer to the parties in these appeals, according to the rankings assigned to them in the common cause title of the applications before the Tribunal. In those applications, while S. Ramesha 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. Gujarat Forest Ranpers 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 effect along with Gujarat Gold Medal, meant for a candidate securing first rank in the training course.

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 (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 Vs. 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 complete 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 the 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 Note 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.

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:

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 a candidate to Diploma Course in Forestry in a Forest Research Institute or College either established or recognised by the Government of India.

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:

"SCHEDULE"

-----	Category of posts	Method of recruitment
Minimum Qualification		

..... Asst. Conservator of Forests Fifty per cent by Direct Recruitment and fifty percent by prom- otion from the cadre of Range Forest Officers. NOTE:- There shall be a prelimi selection of a candidate for Diploma Course in Forestry in a For Direct Recruitment: Must be a holder of Diploma in in Forestry from a coll- ege or Insti- tute recogn- ised by the
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Forest Research Instit- Government of ute or College establi- India or pos-

shed or recognised by sess equival-

the Government of India ent qualific- in accordance with the ation.

rules laid down for admission thereto and the selection shall be made by the Karnataka Public Service Commiss-

ion.

Provided that for selec- For Promoti- ting a candidate for on:-Must such Diploma Course, no have
put in selection by Karnataka service of Public Service Commission not less shall be necessary if,
than eight such candidate has stood years servi- first in the Forest ce in the Rangers College: cadre
of Ra-

nge Forest Provided further that Officer inc-

for a period of five luding the years from the date of service if commencement of these any, render-

rules, the posts or Ass- ed as Range istant Conservators of Forest Offi-

Forests shall be filed cers Grade-I as follows:- and Range Forest Offi-

cers Grade-

II.

Twenty five percent by Direct Recruitment and seventy five percent by promotion from the cadre of
Range Forest Officers.

....."

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 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. 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 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 possesses 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 but in the minimum eight years service as a Range Forest Officer which would have by itself made him eligible for promotion to the cadre of Assistant Conservators of Forests.

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 deputed 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 challenged on the ground of arbitrariness. If by the proviso a Range 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 Rajshekharan 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.

We, therefore, uphold the finding of the Full Bench of the Tribunal to the effect that the Division Bench of that Tribunal in Rajshekharan 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.

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 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. From the said answer to the question, it follows that 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 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 Rajshekharan'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. IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION SPECIAL LEAVE PETITION (CIVIL) NO. 8218 OF 1994 Shri R. Gopinath Versus State of Karnataka represented by Secretary to Government, Food and Forest Department.

Bangalore.

AND SPECIAL LEAVE PETITION (CIVIL) NOS.10014-24 OF 1991 Anand B. Morappanavar & Ors.

Versus The State of Karnataka by its Secretary, Food & Forest Department, Bangalore, and Ors.

JUDGMENT VENKATACHALA, J.

The petitioners in these petitions are Officers in the cadre of Range Forest Officers 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 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. Vs. 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 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 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 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.

Therefore, the State Government cannot be directed to send the petitioners for 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 the Tribunal as has been sought for in the Special Leave Petitions.

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