

**Padmakar Singh Chouhan Vs. State of M.P. and ors.**

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**Court :** Madhya Pradesh

**Decided On :** Feb-18-2002

**Reported in :** 2002(2)MPHT454; 2002(3)MPLJ425

**Judge :** Dipak Misra, J.

**Acts :** Entrance and Training Rules for Forest Rangers Course - Rule 56

**Appeal No. :** Writ Petition No. 1590/2001

**Appellant :** Padmakar Singh Chouhan

**Respondent :** State of M.P. and ors.

**Advocate for Def. :** R.N. Singh, ;A. Pawar and ;R.S. Patel, Advs.

**Advocate for Pet/Ap. :** A.S. Jha, Adv.

**Disposition :** Petition dismissed

**Judgement :**

ORDER

Dipak Misra, J.

1. By this writ petition preferred under Articles 226 and 227 of the Constitution of India the petitioner has prayed for issue of an appropriate writ for commanding the respondents to give admission to the petitioner in the course of Forest Ranger Course granting age relaxation under Rule 56 of Entrance and Training Rules for Forest Rangers Course (in short 'the Rules'),.

2. The facts as have been unfolded are that the petitioner was directly selected as Deputy Ranger in the Forest Department under the M.P. Class-III (Non-Ministerial) Recruitment Rules, 1967 and at present he is working in M.P. Rajya Van Vikas Nigam at Sidhi. The next promotional post of Deputy Ranger is the Ranger. The Central Government made Rules in this regard and there are forest ranger colleges under the supervision of Inspector General of Forest. As per Rules 8.1, 8.2 and 8.3 the candidates are sponsored by the State Government/Autonomous bodies/Public Sector/other institutions and their seats are reserved. Under the Rules there are four categories of trainees are included. Rule 9 lays down the procedure for allotment of seats by DFE, Rule 18 prescribes for selection of Departmental candidates including category mentioned in Rules 8.1 and 8.2,

3. According to the writ petitioner the Central Government vide letter dated 12-10-2000 informed the M.P. Van Vikas Nigam Limited that one seat was allotted to their departmental candidate with conditions prescribed therein. The upper age limit is extended by seven years that is up to 35 years. The minimum qualification required is Intermediate Science of any State Education Board or University or its equivalent two or more of subjects such as Mathematics, Physics, Chemistry, Botany and Zoology. It is putforth that as per M.P. Class-III

(Non-Ministerial Services) Recruitment Rules, a departmental candidate who is already in service may apply for Ranger Course if he has completed at least five years of service. The petitioner being a departmental candidate having requisite qualifications was selected by the respondent No. 2 for the Course as he stood first at State Forester Training School of M.P. in the year 1998-99. The petitioner's name was recommended by the Nigam to give him admission in the Forest Ranger Course. The respondent No. 2 requested to Director, Forest Education for grant of relaxation of age limit as the petitioner had crossed the age of 35 years. It is urged in the petition that Rule 56 gives power to grant relaxation in age limit. The respondent No. 2 agreed for payment of fee as per rules but the respondent No. 3 did not accede to the recommendation under Rule 56 and rejected the proposal. The said order of rejection has been brought on record as Annexure P-4. The respondent No. 2 informed the respondent No. 3 that as per practice department person who stands first is recommended for Forest Ranger Course and earlier in the same practice the admissions were given. It is also intimated that no other suitable candidate for the reserved seat was available and, therefore, the name of the petitioner should be considered. The respondent No. 3 did not reply to the same as a result of which the petitioner was compelled to visit this Court in W.P. No. 149/01 which was disposed of with a direction that the case of the petitioner should be considered in regard to the relaxation of age on merits. After the direction was given by this Court the respondent No. 3 rejected the petitioner's case relying on Rule 12.2 and did not consider his case under Rule 56 which provide for relaxation.

4. It is averred in the writ petition that the action of the respondent No. 3 in not relaxing the condition relating to age is totally unjustified. It is also urged that the petitioner has an excellent career and stood first in the examination and hence, the benefit of relaxation of age should have been conferred on him. It has also been highlighted that if the admission is not given to him the quota of the respondent No. 2 will lapse and the seat will remain vacant.

5. A return has been filed by the respondent No. 2 contending, inter alia, that the name of the petitioner was recommended by the answering respondent for the Forest Training Course conducted by the respondent No. 3. A recommendation was also given for grant of relaxation under Rule 56 of Entrance and Training Rules of Forest Ranger Course but the jurisdiction vests with the respondent No. 3 and the said recommendation has been rejected by him.

6. No counter affidavit has been filed by the respondent No. 3.

7. I have heard Mr. A.S. Jha, learned counsel for the petitioner, Mr. R.N. Singh, learned senior counsel alongwith Mr. Arpan Pawar, learned counsel for the respondent No. 2 and Mr. R.S. Patel, learned senior standing counsel for the respondent No. 3.

8. It is submitted by Mr. A.S. Jha, learned counsel for the petitioner that the case of the petitioner warranted relaxation of age by the respondent No. 3 and as the same has not been done, the action at the instance of the respondent No. 3 is vitiated in law.

9. Mr. R.N. Singh, learned senior counsel has very fairly submitted that the jurisdiction is squarely vests with the respondent No. 3 and the respondent No. 2 is only recommending authority.

10. Mr. R.S. Patel, learned senior standing counsel has submitted that the petitioner's case does not deserve relaxation in as much as he had crossed the age of 47 years and relaxation to that extent will put the same as an erroneous signal.

11. The heart of the matter is whether the non-relaxation of the age by the respondent No. 3 is justified in law or not. Mr. Jha has drawn the attention of this Court to Rule 18 of the Rules which reads as under :--

'18. Selection of departmental candidates included in category mentioned in Rules 8.1 and 8.2 :

A Forest/Dy. Ranger may be deputed for training by State/Union Territories, Governments/Autonomous District Councils/Public Undertaking; provided that he has stood first at a State Foresters Training Schools

and passed the High School, in science or an equivalent examination.'

In this context I may profitably refer to Rule 56 which deals with the relaxation of age. It reads as under :-

'56, Power to grant relaxation,--In exceptional circumstances, the DFE shall have the power to relax any of the provisions of these rules.'

On a perusal of the aforesaid provisions and taking note of the fact situation, there remains no iota of doubt that the petitioner's name could have been recommended by the respondent No. 2 as he stood first and had also satisfied all the requisite criteria. Rule 56 as has been produced above authorises the competent authority to relax the age in exceptional circumstances. It is to be seen whether the non-relaxation or to put it differently non-exercise of power under Rule 56 in the obtaining factual scenario suffers from the vice of improper exercise of discretion or smacks of any kind of arbitrariness. To adjudge the same I have carefully perused the order dated 12-2-2001. In the said order the Director of Forest Education has referred to Rule 12.2 of the Entrance and Training Rules (Revised 1992) which stipulates the maximum age limit in no case should exceed 35 years. He has also stated therein that the petitioner as on 12-2-2001 is over 47 years old and surpassed over 12 years more than the maximum limit prescribed in the Entrance and Training Rules. The said authority has also indicated that two years rangers training course is a professional course provided to young entrants in the service of Forest Department and it is of very strenuous nature requiring regular physical training games, field exercise and excursions and different tours etc. In this backdrop the authority has refused to give relaxation of age beyond 35 of years. On a perusal of the Annexure P-7 it is quite perceptible that the same is not passed in a cryptic manner but cogent reasons have been ascribed. The authority concerned has taken note of the nature of the training and the extent of relaxation sought for by the petitioner. It can not be stated by any stretch of imagination that the respondent No. 3 has not exercised the discretion in a proper manner and has arbitrarily passed the order refusing the relaxation of age. The order speaks for itself and it is quite sanguine. Reasons given by the competent authority are neither capricious nor whimsical but are based on proper appreciation of factual matrix and in my considered opinion are germane to the issue. As the discretion has been utilised in most appropriate manner I think the order deserves to be given the stamp of approval by this Court and accordingly it is so given.

12. Consequently, the writ petition, being sans merit, stands dismissed without any order as to costs.

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