
(2010) 12 SHI CK 0039
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 9545 of 2008

Joginder Singh

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 18-12-2010

Acts Referred:

Citation : (2010) 6 SLR 222

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Petitioner has assailed the appointment of Respondent No. 3 to the post of Forest Guard. Case of the Petitioner, in a nutshell, is that he was ranking senior to Respondent No. 3 in the seniority list. However, he has been over looked for promotion to the post of Forest Guard.

2. Mr. Ramesh Sharma has strenuously argued that his client, being senior, ought to have been considered for promotion to the post of Forest Guard.

3. Mr. P.M. Negi, learned Deputy Advocate General has vehemently argued that the promotions were made on the basis of limited competitive test held on 6.6.2003.

4. I have heard the learned Counsel for the parties and have perused the pleadings carefully.

5. Fourteen posts of Forest Guards were allotted to Chamba Forest Circle vide letter dated 21.3.2003. A committee was constituted consisting of Conservator of Forest, as Chairman, Divisional Forest Officer, Chamba and the-then Divisional Forest Officer (Headquarters). The following criteria was adopted by the Selection Committee:

i) for minimum educational qualification = 10 marks

ii) General knowledge =10 marks

iii) Experience and extra curricular activities= 7 marks

iv) Personality = 3 marks.

6. Petitioner secured 13.5 marks and Respondent No. 3 secured 25 marks. The suitability of the Petitioner and Respondent No. 3 has been adjudged by a duly constituted Selection Committee. Respondent No. 3 was found suitable as per the criteria prescribed for limited competitive test. Respondent-State has filled up ten posts of general category, three posts of Scheduled Caste category and one post of Schedule Tribe category. Since Respondent No. 3 has been found more meritorious on the basis of limited competitive test, as per Recruitment and Promotion Rules, there is no illegality in his promotion.

7. Accordingly, in view of the observations and discussions made hereinabove, there is no merit in the petition and the same is dismissed. No costs.