

(2010) 11 P&H CK 0506

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 4830 of 2007

Kuldeep Singh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: Nov. 1, 2010

Citation: (2011) 1 RCR(Criminal) 188

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Kanwaljit Singh Ahluwalia, J.

Petitioners were posted as Foresters in the office of various Divisional Forest Officers in the State of Haryana. In the present writ petition, they have prayed that impugned result dated 9.6.2006, Annexure P8 held for Forester training course for the year 2005-2006 be quashed. It has been further prayed that a writ of mandamus be also issued and respondents be directed to conduct fresh examination of the Forester training course for the year 2005-2006 in a fair and impartial manner in consonance with "The Haryana State Forest Executive Section (Group C) Service Rules, 1998" under the supervision and control of high ranking officers or some other agency.

2. Briefly stated, the facts of the case are that petitioner No. 1 was appointed as Forest Guard on 17.6.1991, petitioner No. 2 on 17.9.1990 and petitioner No. 3 on 29.10.1981 respectively. In the year 1998-99, the respondent-Department had conducted training for Forest Guard course, in which the petitioners also participated and were successful. Thereafter, from the year 1998-99, the petitioners are performing their duties to the satisfaction of their superiors. The respondent-Department had to conduct Forester training course w.e.f. 1.5.2005 to 27.3.2006 for the session 2005 2006. After undertaking Forester training course, one becomes eligible to the post of Deputy Ranger. The grievance of the petitioners is that paper for the Soil and Water Conservation and for Environmental Conservation

and Forest Protection were not set by the competent person.

3. In reply thereto, the respondents have made the following averment:-

8. That the contents of para No. 8 are admitted to the extent that due to unavailability of concerned officials as mentioned in the rules, the subject-wise question papers were set by the competent officials. Rest of the contents of para No. 8 are wrong and hence denied. It is also pertinent to mention here that the question papers were set by the senior experienced Indian Forest Service Officers & Officials of Forest Department. The question papers of the tour test was also set by the competent and experienced officer Sh. Waryam Singh, HFS who also conducted the tour. The answer sheets were checked by the experienced officials. The tour viva was conducted by Sh. Waryam Singh, HFS who is having experience of last four years of training. The conduct marks were given by the officials mentioned in the service rules. The final examination answer sheets were checked by the experienced and competent officers.

4. After going through the contents of the reply, this Court is of the view that no interference is warranted. Another reason to deny the relief sought for by the petitioners is that they undertook the examination. After having competed in the examination, being unsuccessful, they are challenging the selection of respondent No. 8, who also appeared along with them. It is not disputed that petitioners were placed in the result sheet at serial Nos. 2, 3 and 4. Having appeared in the examination, it does not lie in the mouth of the petitioners to say that examination held was not fair. Even otherwise, the explanation furnished by the official respondents is just and appropriate.

5. Hence, there is no merit in the present writ petition and the same is hereby dismissed, with no order as to costs.