

**(1994) 03 GAU CK 0010**

**Gauhati High Court**

**Case No:** Civil Rule Nos. 376 of 1990/25 (SH) of 1990 and 1482 of 1990/45 (SH) of 1990

C.C.Rangad

APPELLANT

Vs

State of Meghalaya and Ors.

RESPONDENT

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**Date of Decision:** March 24, 1994

**Acts Referred:**

- Assam Forest Service (Class-I) Rules, 1942 - Rule 4, 4
- Constitution of India, 1950 - Article 226, 226
- Meghalaya Forest Service Rules, 1985 - Rule 6, 6

**Citation:** (1994) 1 GLJ 320

**Hon'ble Judges:** D.N.Baruah, J

**Bench:** Single Bench

**Advocate:** A.K.Bhattacharyya, S.Mitra , S.R.Sen, R.Gogoi, K.Agarwal, J.P.Bhattacharjee, D.K.Deb Roy, A.Sharma, T.Yangi, Advocates appearing for Parties

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**Judgement**

1. The above two Civil Rules involve common questions of law and facts, therefore, I propose to dispose of both the Civil Rules by a common judgment.

2. In Civil Rule No. 376 of 1990, 8 petitioners have filed the petition challenging the appointment of 27 officers, namely, respondent Nos. 3 (a) to 29, to the post of Assistant Conservator of Forests and subsequent promotions and prayed for writ of Mandamus and/or any other appropriate writ or direction to set aside their appointments and subsequent promotions, and also for a direction to promote the petitioners to the rank of Assistant Conservator of Forests in accordance with the Rules from such dates when their promotions became due.

3. Similarly, in Civil Rule No. 1482 of 1990, two petitioners have filed the petition challenging the appointment of 4th to 13th respondents to the post of Assistant Conservator of Forests and subsequent promotions thereafter given to those respondents and their regularisation in the post of Deputy Conservator of Forests and also officiating promotion of 5th to 13th respondents made on the basis of

initial appointment as Assistant Conservator of Forests and also prayed for appropriate writ or directions for regularisation of the promotion of the petitioners in the rank of Assistant Conservator of Forests from the date when they were entitled to promotion as per the relevant Rule and for fixation of seniority.

4. The brief facts of the Civil Rule 376 of 1990 are : Meghalaya Public Service Commission selected the 1st to 4th petitioners to undergo training at Rangers' College, Dehradun. Similarly, in 1974 5th to 8th petitioners were also selected to undergo training of Rangers at Rangers' College, Kurseong. In May 1975 on completion of the course, 1st to 4th petitioners were appointed Rangers in the Forest Department of the State of Meghalaya by Annexure I order dated 7.5.75. 5th to 8th petitioners were also appointed Rangers by Annexure 2 order dated 18.10.77. In the year 1971 the present State of Meghalaya was created and at that point of time, the Assam Forest Service (Class I) Rules, 1942 (for short the Assam Rules) were in force. Annexure 3 circular dated 15.2.61 was issued by second respondent to third respondent for filling up permanent vacancies of the Assistant Conservator of Forests on the basis of 75% and 25% for direct recruits and promoted officer respectively.

The Assam Rules continued to prevail till the Meghalaya Forest Service Rules, 1985 (for short the Meghalaya Rules) came into force with effect from 6.5.85. Under the Assam Rules, the ratio of direct recruitment and promotees was fixed 3:1. However, after the Meghalaya Rules came into force the said ratio was brought down to 2 : 1.

From 1972 till the date of filing the petition, a total number of 32 persons were directly recruited to the post of Assistant Conservator of Forests on different dates, both under the Assam Rules and Meghalaya Rules. Prior to 6.5.85, 18 persons were directly recruited to the said post. During the period from 1972 to 6.5.85 promotion of 5 persons namely, WG Momin, J. Dutta, PK Rai, AR Shappru and P. Mukhin became due. However, the authorities made appointment by direct recruitment. According to the petitioners they remained as Rangers because of the delay \

promoting the aforesaid officers. Again during 1972 to 1984 no Ranger was promoted to the post of Assistant Conservator of Forests. Only in 1985, 3 Rangers were promoted to the said post for the first time. Again in 1986 there was no promotion of Rangers. However, in 1987, 2 Rangers were promoted to the said post.

On 8.2.90 by Annexure 4 advertisement the Meghalaya Public Service Commission invited applications from willing candidates to undergo training and the successful candidates would be directly recruited to the post of Assistant Conservator of Forests of the Meghalaya Forest Department. As per the advertisement the training was likely to commence from 1.7.90. The petitioners further stated that 1st to 3rd respondents were bent upon making further direct recruitment in violation of the provisions of Rules and in that view, initiated action to fill up the vacant post of Assistant Conservator of Forests by further direct recruits and for that purpose the above advertisement was published. Petitioners submitted numerous

representations seeking promotions to the post of Assistant Conservator of Forests from different dates and also for fixing interse seniority in the said post. However, the authority did not pay any heed to it. Hence the present petition.

5. This Court admitted the application on 1.3.90 and issued Rule. During the pendency of the Rule, the State of Meghalaya by Annexure 5 notification published in the Gazette of Meghalaya on 28th March, 1991 confirmed the services of 6th, 8th to 15th respondents in the said rank wef 7.5.85. By the said notification one WG Momin, a promoted Assistant Conservator of Forests was also confirmed in the said rank with effect from 18.1.87. WG Momin filed a writ petition (CR No. 1482 of 199 j) prior to his promotion and confirmation before this Court challenging the belated promotion and interse seniority, in the rank of Assistant Conservator of Forests from the date when sue's promotion actually became due to him.

6. Meghalaya Forest Rangers' Service Association on behalf of the petitioners submitted Annexure 6 representation to the Chief Secretary to the Government of Meghalaya for withdrawal of Annexure 5 notification. This Annexure is illegible and incomplete. From the reference, it appears that it was written only after 24th October, 1990. This representation is not available in record. According to the petitioners, appointment of respondents 3 (a) to 29 are violative of provisions of statute and Rules and clear infringement of the prescribed ratio for filling up the post of Assistant Conservator of Forests.

7. According to the petitioners, as per Rule 4 (c) of the Assam Rules the appointment to the rank of Assistant Conservator of Forests are to be made from two sources, viz; direct recruitment and promotion, but the State Government had been making continuous appointment from only one source, i. e. direct recruitment. As per circular of 1961 applying the 3 : 1 ratio, at least 6 promotions ought to have been made under Rule 4 (c) of Assam Rules, however, only 3 promotions had been made from Rangers to the rank of Assistant Conservator of Forests.

8. On behalf of first to third respondents, the Deputy Secretary to the Meghalaya Forest Department has filed an affidavit in opposition. The private respondents also have filed affidavit in opposition. In the affidavit of respondent Nos. 1 to 3, it has been stated that promotion of officers from the post of Forest Rangers is under process. They have further stated that prior to framing of the Meghalaya Rules, the Assam Rules governed the conditions of services including promotion of Rangers. Administrative Instruction dated 15.2.61 of the Government of Assam referred to by the petitioners conveying the decision of Government on the matter of filling up permanent vacancies from 1.10.59 in the post of Assistant Conservator of Forests on the basis of 75% for direct recruit and 25% for promotees and not for recruitment/ appointment of Assistant Conservator of Forests. But the said instruction has become inoperative in view of the judgment of this Court passed in Civil Rule No. 575 of 1982. It is further stated that during the period when the Assam Rules were in force one Forest Ranger was promoted to the post of Assistant Conservator of

Forests and he was appointed on 18.1.85 and his seniority had been fixed under Rule 15 (b) of the Assam Rules. Since the Meghalaya Rules came into operation, four Forest Rangers have been promoted to the post of Assistant Conservator of Forests, 2 in 1985 and 2 in 1987. The Government is now contemplating promotion of more Rangers in terms of the Meghalaya Rules on 2:1 basis. From 7.5.85 14 direct recruits have been appointed. According to these respondents, only 2 persons amongst 8 persons are entitled to get promotion under Assam Rules before the Meghalaya Rules came into force. These respondents have further stated that since 6.5.85 17 direct recruits were appointed, out of these 3 had resigned and one expired.

9. In the Affidavit in opposition of respondent Nos. 3(a) to 29, they have reiterated the averments made in the affidavit in opposition of respondent Nos. 1 to 3. These respondents have further stated that the names of Assistant Conservator of Forests mentioned in paragraph 8 of the writ petition do not show the correct position as there are certain discrepancies.

10. A reply affidavit has also been filed by the petitioners reiterating the statements made in the writ petition.

11. In Civil Rule No. 1482 of 1990, two petitioners, viz WG Momin and AR Shapru have prayed for a direction to the authority to fix their inter se seniority in the rank of Assistant Conservator of Forests on the basis of dates as and when the promotions became due and eligible to the post of Assistant Conservator of Forests from the rank of Rangers.

12. The petitioner No. 1 was appointed Ranger on 2.5.73 and the petitioner No. 2 was appointed on 5.7.74, in the Forest Department of State. Thereafter, they were confirmed in the posts of Forest Rangers by order dated 6.8.83. Petitioner No. 1 was promoted to the post of Assistant Conservator of Forests on 9.11.84 and the petitioner No. 2 was promoted to the said post on 28.9.87. As per Annexure 5 circular dated 15.2.61, permanent vacancies in the cadre of Assistant Conservator of Forests would be filled up on the basis of ratio of 75% and 25% for direct recruitments and promotees respectively with effect from 1.10.59. Other facts of this petition are similar to that of the petitioners in Civil Rule No. 376 of 1990.

13. In Civil Rule No. 376 of 1990 this Court passed Annexure 7 interim order dated 2.4.90 that appointment, if made, should be subject to the result of this Civil Rule and no further direct recruitment in the rank of Assistant Conservator of Forests should be made until further orders.

14. The contention of these petitioners is that their promotions to the rank of Assistant Conservator of Forests by order dated 18.1.85 and 28.9.87 were belated and the promotions were given without applying the provisions of the Rules. Petitioners are, therefore, entitled to get promotions to the post of Assistant Conservator of Forests from the dates when their promotions become due with all other consequential benefits. The promotion of the petitioners to the rank of

Assistant Conservator of Forests having been made after long delay due to wrong application of Assam Rules and the appointments by direct recruits to the exclusion of the petitioner having been made they are entitled to retrospective promotion with all consequential relief, particularly, seniority over the respondents as claimed in this petition.

15. The respondent Nos. 1 to 3 have filed affidavit reiterating what have been stated in their affidavit in opposition filed in Civil Rule No. 376 of 1990. The respondent Nos. 413 have also filed affidavit in opposition and they have also denied the averments made by the petitioners. These respondents have stated that they have been directly recruited as Assistant Conservator of Forests in the year 1972 to 1987. The petitioners were promoted much later, therefore, these respondent Nos. 413 are senior to the petitioners. Hence, it is not correct to say that regularisation and confirmation if made, in favour of these respondents, promotion avenue to the higher post would seriously jeopardise the right of the petitioners. These respondents have been made respondents in Civil Rule No. 376 of 1990 also and they filed affidavit in opposition. They have relied the statements made in the affidavit in opposition filed in the said Civil Rule.

16. I have heard the learned counsel for the petitioners, the learned counsel appearing for private respondents as well as the learned Government Advocate for the State of Meghalaya.

17. Mr. JP Bhattacharjee, learned counsel for the petitioners submitted that promotions had been given on the basis of direct recruitment totally ignoring the claim of the petitioners and also contrary to the provisions of Assam Rules and Meghalaya Rules. The appointment by direct recruitment to the exclusion of the petitioners (Rangers) was illegal and contrary to the statutory rules and established principles of law. According to Mr. Bhattacharjee the Rules having provided two distinct and definite sources for appointment to the rank of Assistant Conservator of Forests continuous recruitment from one source, viz; direct recruitments was contrary to the statutory rules; 1969 circular having provided ratio for recruitment 3 : 1, six promotions ought to have been made from Rangers instead only three promotions were made under the Assam Rules during the time when the Assam Rules were in force. Under the Meghalaya Rules also the direct recruitments were made in excess of the quota for direct recruitment, the State Government acted illegally, arbitrarily and in violation of statutory rules and in complete disregard to the provisions of the Constitution of India. Therefore, the persons having been appointed by direct recruitment in excess of quota should be pushed down, and as the 1961 circular was held to be invalid the vacancies of Assistant Conservator of Forests were to be filled up on a quota of 1 : 1 ratio.

18. Mr. A. Sarma, learned Government Advocate on the other hand, submitted that the representations submitted on behalf of the petitioners for the first time in 1987 before the authority. In the said representation the petitioners claimed that the

appointment being contrary to the provisions of Rule 4 of Assam Rules, they were entitled to get promotion to the post of Assistant Conservator of Forests from Rangers. The Annexure 3 circular (CR No. 376 of 1990) dated 15.2.61 issued by the Secretary prescribing the quota of 3:1 between direct recruits and promotees being contrary to the statutory rules was struck down by this Court, therefore, that circular being non est, the petitioners were not entitled to claim any benefit under such circular. However, the petitioners obtained interim order from this Court. When this fact was pointed out by the respondent Nos. 13, the petitioners claimed even an higher percentage stating that the promotees were entitled to equal weight age under Rule 4(c) of the Assam Rules. As per Rule, promotions could be given from the post of Rangers to Assistant Conservator of Forests from men of proved merit and efficiency at the time of direct recruitments there was also no mention that men of proved merit and efficiency amongst the petitioners had" been left out and therefore, it was not permissible now to consider the claim of the petitioners. Regarding promotion under Maghalaya Rules, the said respondents stated that the cases of the petitioners, who claimed promotion from 1983 onwards would be duly considered by the State Government.

19. Mr. AK Bhattacharyya, learned counsel for private respondents, on the other hand, vehemently opposed the petition. Mr. Bhattacharyya submitted that the petition should be dismissed on the ground of delay as the petition had been filed after inordinate delay, therefore, the petitioners having asked for equitable relief, they were entitled to get such relief only when they approached the Court in time.

20. In reply to this connection, the learned counsel for the petitioners submitted that the contention of the respondents regarding delay cannot be considered in view of the fact that there is no averments regarding delay. In fact, there was no delay at all. Representations had been filed and these representations were not considered and, therefore, the matter was not settled as submitted by the learned counsel for the private respondents. Besides, the counsel for the petitioners submitted that a petition should not be thrown out on the ground of delay, inasmuch as, no person's right should be defeated on mere technical ground.

21. Mr. AK Bhattacharyya, further contended that the petitioners ought to have filed separate applications, however, they joined together and filed a combined petition, which according to him, was not maintainable. He further contended that the ground of delay was taken in paragraph 18 of the affidavit in opposition of respondent Nos. 413 in Civil Rule No. 1482 of 1990.

22. On the rival contentions of the parties, now it is to be seen whether the contentions of the petitioners can sustain in law. The admitted facts are that the Assam Rules were applicable to the members of Forest Service of Government of Assam till 6.5.85 and thereafter, the Meghalaya Rules came into force and those Rules became applicable to the members of Forest Service of Government of Meghalaya. The Assam Rules provide two sources of recruitments. Rule 4 (a) of the

said Rules deals with the procedure for appointment to the Forest Service Class I. It prescribes procedure and qualifications for appointment by direct recruitment and Rule 4 (c) provides for appointment by promotion from the Provincial Forest Service or the Subordinate Forest Service. I quote Rule 4 (a) and 4 (c) :

"4. Source of recruitment Appointments to the service shall be made by the Governor in the following manner : (a) By direct recruitment of graduates who shall not be under 19 or over 23 years of age on the 1st January of the year in which the recruitment is made provided that the Government may exempt a candidate from the prescribed age limit in cases where a candidate is required to have special qualification. Such graduates must have passed the BSc Examination and must have passed the ISC Examination in either Botany or Zoology.

(c) By promotion from the Provincial Forest Service of man of proved merit and efficiency who are considered fit to hold charge of" an important Forest Division."

23. Rule 6 of Meghalaya Rules prescribes the method of recruitment to the post of Assistant Conservator of Forests. Under this Rule appointment can be made by direct recruitment on the basis of the result of the competitive examination conducted by the Meghalaya Public Service Commission or by promotion from amongst the Forest Rangers of the Meghalaya Forest Subordinate Service, who fulfill the experience and condition prescribed in Schedule III. Subrule (2) of Rule 6 further provides that proportion of vacancies to be filled up on the basis of 2 : 1 ratio. I quote subrules (1) and (2) of Rule 6 of Meghalaya Rules :

"6. Method of Recruitment: (1) Recruitment to the service shall be made by appointment to the posts of Assistant Conservator of Forests by the following method, namely

(a) by direct recruitment on the result of the competitive examination conducted by the Commission subject to the condition laid down under Rule 15 and subrule (3) of Rule 18.

(b) by promotion from amongst the Forest Rangers of the Meghalaya Forest Subordinate Service who fulfill the experience and conditions prescribed in the Schedule III and included in the Select List approved under sub rule (4) of Rule 11.

(2) The proportion of vacancies to be filled up in any year in accordance with clauses (a) and (b) above shall be in the ratio 2:1;

Provided that if the Governor is satisfied in consultation with the Commission that suitable person are not available for recruitment by any one of the method prescribed in subrule (1) the quota reserved for persons under clause (a) shall be filled up by suitable and qualified persons mentioned in clause (b) of subrule (1) and viceversa.

Provided further that the deficiency in number of candidates recruited under clauses (a) or (b) above will be carried forward to the next recruitment year and made good in the recruitment of that year and if the deficiency still persists it will be carried forward to the subsequent recruitment year."

24. Rule 4 of Assam Rules empowers the authority to fill up vacancy either by direct recruitment or by promotion. In case of direct recruitment qualifications for appointment have been prescribed. However, in case of promotion, men of proved merit and efficiency can only be promoted to the post of Assistant Conservator of Forests. Rule 4, however, does not prescribe any ratio for appointment. From reading of Rule 4 it is apparent that the authority may appoint a person to the post of Assistant Conservator of Forests from either source. The conditions necessary for recruitment to the post of Assistant Conservator of Forests are : (i) in case of direct recruitment he must be a Graduate in Science and must have passed the ISc Examination in either Botany or Zoology, and (ii) in case of promotion from Rangers the condition necessary for the authority to consider such person of proved merit and efficiency, who may be considered fit to hold charge of an important Forest Division.

25. For direct recruitment the age and qualifications are necessary where as in case of promotion such qualifications are not necessary. As the post of Assistant Conservator of Forests is an important post in the Forest Department, the Rule 4 directs the authority to appoint persons only when he is found to be fit and of proved merit and efficiency. Therefore, I am of the opinion that the authority may fill up the vacancy to the post of Assistant Conservator of Forests from either source, however, that does mean that the authority is at liberty to appoint only from one source ignoring the other. The authority may not only fill up the vacancy by direct recruitment but also should make endeavor to fill up the vacancy from other source, ie by way of promotion, and for that purpose, the authority must take steps to find out persons of proved merit and efficiency who can be considered fit to hold the post of Assistant Conservator of Forests. If no effort is made then the intention of Rule making authority incorporating Rule 4 (c) become otiose and the very object of giving impetus to the persons serving in the subordinate forest service will be frustrated. Therefore, the Government is duty bound to look for persons from the Subordinate Forest Service having proved merit and efficiency. In the absence of any such effort by the authority, its action cannot be said to be fair and reasonable.

26. Rule 6 of the Meghalaya Rules similarly prescribes method of recruitment to the post of Assistant Conservator of Forests either by direct recruitment or by promotion from the Forest Rangers of Meghalaya Subordinate Forest Service. In this Rule, however, quota from different sources has been fixed i.e. 2:1; two by direct recruitment and one by promotion. In case of direct recruitment a person can be appointed to the said post on the basis of the competitive examination conducted by the Meghalaya Public Service Commission subject to the conditions laid down

under Rule 15 and subrule (3) (i) of Rule 18. The posts of Assistant Conservator of Forests are to be filled up by promotion as per quotation the fulfillment of requirement of the Rules i.e. experience and other conditions prescribed in the Schedule III and as per the Select List approved under subrule (4) of Rule 11. Schedule III prescribes the qualifications for direct recruitment. For promotion from the post of Forest Rangers, the person must have rendered not less than five years of continuous service as Forest Ranger on the first day of the year in which the selection is made and weightage shall be given to technical qualifications and knowledge, tact, energy, intelligence, character and integrity and previous record or service etc.

27. Coming to the case in hand, it is to be seen whether the recruitments were made in accordance with the Rules as stated above. Under Assam Rules there is no fixed quota for recruitment to the post of Assistant Conservator of Forests and it can be possible for the authority to recruit from either source. However, recruitment cannot be made only from one source to the exclusion of the other. Till 6.5 85. 18 persons were directly recruited to the post of Assistant Conservator of Forests under Rule 4 (a) of the Assam Rules and only few persons were promoted to the said post under Rule 4 (c). 1961 circular having been held as illegal and contrary to law the quota, i.e. 3 : 1 ratio, cannot be the guiding factor for appointment. Therefore, the State Government was free to recruit persons from either source. Unfortunately, from the record, I do not find that the Government made any endeavor to find out persons of proved merit and efficiency. In fact, the State Government has not stated any thing regarding non availability of, persons of proved merit and efficiency. The petitioners also have not come forward with a case that in spite of persons having proved merit and efficiency and fit to hold charge, have been overlooked. It is therefore, now difficult to say the appointments were made contrary to the Assam Rules.

Besides, the petitioners have stated that their appointments were overlooked from 1972 onwards. The petitioners allowed several years to pass and they did not taken any step. The learned counsel for the petitioners submitted that they filed representations and those were yet to be disposed of, therefore, the matter was not yet settled. In view of this, it could not be said that there had been inordinate delay. On the other hand, the affidavit in opposition filed by respondent Nos. 13 shows that the petitioners' Association made representation for the first time in 1987 and prior to that there was no grievance, whatsoever. In the petition also, I do not find any copy of representation annexed to the writ petition prior to the said date. Therefore, in my opinion, the petitioners were not diligent in asserting their right.

28. It is a settled law that where a Government servant slept over the promotions of his juniors over his head for a considerable long period and then approach the High Court with a writ petition challenging the action of the Government in respect of conditions of service, the writ petition is liable to be dismissed in limine. Such

aggrieved person should approach the Court at the earliest opportunity. It is true that there is no period of limitation for the Court to exercise its power under Article 226 of the Constitution, nor is it that there can never be a case where the Court can interfere in a matter after the passage of a certain length of time. It would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 of the Constitution in the case of persons who do not approach it expeditiously for relief but stand by and allow things to happen and then approach the Court. Again it is also a settled law that it will be imprudent for the High Court to unsettle a settled position.

29. In the present case, admittedly, several persons were appointed by way of direct recruitment and they have been confirmed and regularised in their respective posts and thereafter they had been promoted from the said post to higher post. If now the Court in exercise of its power under Article 226 of the Constitution starts reexamining the entire process, definitely it will amount to unsettling a settled position. Therefore, in my opinion till 6.5.85 when the Assam Rules were applicable whatever was done and it should be allowed to remain as such.

30. Besides, as I have stated earlier, Rule 4 of the Assam Rules does not prescribe a quota for each source, it is only a duty cast on the authority to find out suitable persons from both the sources. As I observed, it was the duty of the State Government to find out suitable persons having requisite qualifications as per Rule 4 (c) and promote them to the post. A very few persons had been appointed during the period when the Assam Rules were in force. This Court is constrained to say that the effort of the Government to find out suitable persons during that period was not adequate. At least the records do not indicate any such effort. But then as I have already held there was no fixed quota for recruitment from either source now it cannot be reopened. Even if there were some persons of proved merit and efficiency and fit to hold the post of Asstt. Conservator of Forests among the members of subordinate forest service it will be now difficult to make further enquiry and find them out because of the lapses of time. Therefore, I am not inclined to accept the submission of learned counsel for the petitioners in this regard. The claim of the writ petitioners in respect of promotion under the Assam Rules, therefore, fails.

31. Regarding recruitment under the Meghalaya Rules, the State Government have power to choose a candidate from either source is circumscribed inasmuch as the ratio has been fixed. Now the claim of the writ petitioners is that the State Government has not made appointment in accordance with the Rules. On going through the record, I find sufficient force in the submission. It is, therefore, necessary for the State Government to consider the entire matter in this regard and make appointment of persons in terms of Rule 6 of the Meghalaya Rules. However, those officers who have been appointed by direct recruitment if in excess of the quota can neither be pushed down nor their appointment can be cancelled as the petitioners have approached this Court after inordinate delay.

32. The respondent Nos. 1 3 in their affidavit in opposition have stated that on behalf of the petitioners only in 1987 a representation was filed. I do not find any other representation in the record prior to that. Annexure 6 to the Civil Rule No. 376 of 1990 appears to be a representation, but to my astonishment I find only the first page of said representation has been annexed. The date of Annexure 6 is absolutely illegible, however, from the reference of the said representation it appears that it was filed after 24th October, 1990, That being so, there is nothing to show that the petitioners submitted any other representation prior to 1987. Besides, the petitioners ought not have waited for such a long time if the representations were not disposed of within a reasonable time. They ought to have approached the proper authority for their redressal. As this was not done, the officers occupying the position cannot be disturbed. However, if there is some imbalance in the recruitment from either of the sources under Meghalaya Rules should be rectified by the respondent Nos. 1 3 in the subsequent appointment, so that, the ratio is maintained in respect of appointment by direct recruit and by promotion.

33. Other point raised by Mr. Bhattacharyya, learned counsel for private respondents that the petition is not maintainable as all the petitioners joined together and filed a common petition, which is not permissible under the law, I am not inclined to accept the submission of Mr. Bhattacharyya. On this ground the petitions cannot be thrown out.

34. I, therefore, dispose of these petitions with a direction to respondent Nos. 1 3 to make a thorough enquiry regarding the anomalies as complained of in recruiting officers to the post of Assistant Conservator of Forests under Meghalaya Rules and if after enquiry the Government find that the appointments made were not in accordance with the Rule 6 of the Meghalaya Rules, they shall make all endeavour to fill up the quota from that source, so that the ratio prescribed in the Meghalaya Rules can be maintained.

In the facts and circumstances of the cases, I make no order as to costs.