

## **Supreme Court upholds High Court stay on foresters recruitment**

Nagpur: Fate of 310 foresters continues to hang in balance with Supreme Court upholding the stay granted by Nagpur bench of Bombay high court on the direct recruitment by the state government. Earlier, hearing writ petition filed on August 13, 2015 by a forest guard Sunil Fulzele and Maharashtra Forest Guards & Foresters Union, the HC had stayed the process to fill 310 vacancies of foresters. Of these, 157 vacancies were already filled in 2014 while the remaining 163 were to be filled in by 2015. Justice Vasanti Naik at the HC had stayed the notification by the state terming bad in law.

According to the petitioners, as per the service rules of 1987, minimum qualification for foresters is HSSC. A forester can be appointed by nomination (25%) and by promotion (75%) of the available vacancies. Later, as per rules framed by the forest department on June 30, 2011, on the basis of DM Sukthankar Committee Report, appointment of foresters was completely to be done on 100% promotion basis only.

However, the forest ministry issued a notification on October 22, 2013 stating that 75% of the posts of foresters were liable to be filled by promotion on the basis of seniority and 25% of the posts were liable to be filled by accelerated promotion on the basis of merit (graduates).

It is stated that for being eligible for promotion in 25% quota, a candidate is required to clear a departmental examination. Though the qualification prescribed for appointment/promotion to the post of forester is HSSC, the notification said that a candidate would be allowed to appear for the examination only if he possesses a degree or any other equivalent qualification, declared thereto.

The contention of the petitioners was upheld by the high court bench citing an example of judiciary itself. The bench said if prescribed qualification to recruit judges and promote them is LLB, you cannot put separate yardsticks for LLM candidates.

The high court finally granted stay on August 25, 2015. Now the apex court too has continued the stay.