

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NOS 415/2025 WITH 655/2025 WITH
M.A 355/2025 IN O.A 415/2025.**

DISTRICT : PUNE

**ORIGINAL APPLICATION NO.415 OF 2025
WITH
ORIGINAL APPLICATION NO.655 OF 2005 WITH M.A. 355 OF
2025 in O.A 415 OF 2025**

1. O.A.No.415/2025

- 1) Shri Vaibhav Yashwant Kank,)
Working as Forest Guard,)
Bhongavali, Pune Forest Division,)
Pune)
- 2) Shri Sriram Mahadeo Jagtap)
Working as Forest Guard,)
Shivapur Range, Pune.)
- 3) Miss. Trupti Trimbak Gaikwad,)
Working as Forest Guard, Shirur)
Social Forest Shirur Division,)
Social Forest Pune.)
- 4) Shri Krushna Prakash Dethe,)
Working as Forest Guard, Atwan,)
Range Forest Office Wadgaon, Pune)

- 5) Shri Samadhan Jitendra Patil,)
Working as Forest Guard,)
Forest Guard Shilar, Alibaug)
Forest Division (Territorial),)
Tal. Karjat, Dist. Raigad.)
- 6) Shri Prakash Laxman Jadhav,)
Working as Forest Guard, Kuktoli)
Range Sangli, Forest Division Sangli)
- 7) Shri Chetan Kachru Shire,)
Working as Forest Guard, Vaijapur,)
Chh. Sambhajinagar Forest Division)
Sambhajinagar.
- 8) Shri Pravin Shivaji Chavan,)
Working as Forest Guard,)
Kanadgaon, Range Forest Office,)
Chandvad, Nashik East, Nashik)
- 9) Shri Dnyaneshwar Vitthalrao)
Navghare,)
Working as Forest Guard,)
Range Office Wadgaon (DHA),)
Yavatmal Forest Division,)
Yavatmal)
- 10) Shri Amol Subhashrao Metkar,)
Working as Forest Guard,)
Range Forest Office, Deolapar.)
Nagpur Forest Division (Territorial))
Tal. Ramtek, Dist. Nagpur.)

- 11) Shri Sunil Lokpal Kamble,)
Working as Forest Guard,)
Wadsa Forest Division,)
Tal Wadsa, Dist. Gadchiroli)
- 12) Shri Vishal Rameshrao Umale,)
Working as Forest Guard,)
Mobile Squad Gugamal,)
Wildlife Forest Division, Chikhaldara)
Range Forest Office WL Dhakna,)
Dist. Amravati)
- 13) Shri Parmeshwar Prabhu Rupnar,)
Working as Forest Guard EGS)
Range EGS Dhule, Dhule.)
- 14) Shri Vinod Yadav Hingane,)
Working as Forest Guard, Central)
Chanda, Chandrapur Ranger,)
Virur Station, Dist. Chandrapur)...**Applicant**

Versus

1. State of Maharashtra,)
Through Additional Chief Secretary,)
Forest Department, 1st floor,)
Mantralaya, Main Building,)
Madame Cama Road,)
Mumbai 400 032)
2. Principal Chief Conservator of)
Forest, (HoFF),)
MS Nagpur, 3rd floor, Vanbhawan,)

Ramgiri Road, Civil Lines,)
Nagpur 440 001)...**Respondents**

WITH

2. O.A.No.655/2025

- 1) Mahavir Prakash Shelke,)
Residing at A/p. Surdi (Forest Guard)
Dist. Solapur.)
- 2) Avinash Dattatray Gaikwad,)
Residing at A/p. Pathari,)
Tal. : North Solapur, Dist. Solapur)
- 3) Achal Ashok Gavali,)
Residing at Near Kalubai Mandir,)
Bhat Nimgaon, Dist. Pune.)
- 4) Gangadhar Nagnath Vibhute,)
Residing at Near D. Ed. College,)
254 Sushil Nagar, Vijapur Road,)
Dist. Solapur.)
- 5) Bhakti Chandrakant Gaikwad,)
Residing at A/o. Malinagar,)
Tal. Malshiras, Dist. Solapur.)
- 6) Mayuri Ankush Shejal,)
Residing at A/o. Kavalvadi (Gaathan)
Dist. Solapur.)

- 7) Sanchya Sadashiv Kamble,)
Residing at Dhumal Vasti, Alegaon,)
Pune. Dist. Pune.)
- 8) Manisha Ramchandra Bansode,)
R/at. Sangolkar Wadi, Radde,)
Dist. Solapur.)
- 9) Sandip Somnath Thorat,)
R/at. Dhekalwadi, Pt. Songaon,)
Tal. Baramati, Dist. Pune.)
- 10) Yogesh Bhaurao Jadhav,)
R/at. A/P. Andur, Tal. Tulipur,)
Dist. Dharashiv.)
- 11) Navnath Ramchandra Milkhe,)
R/at. Forest Colony, Meera Society)
Road, Near Forest Office, Shalimar)
Chowk, Daund, Tal. Daund,)
Dist. Pune.)
- 12) Barasabai D. Patekar,)
R/at. Ranad Bk, Pt. Rajur, Tal. Akole)
Dist. Ahilya Nagar.)
- 13) Renuka Dashrath Sontakke,)
R/at. Paga Chawl, Akkalkot,)
Tal. Akkalkot, Dist. Solapur)

- 14) Bhagyashree Maruti Tonape,)
R/at. A/P. Ghodegaon,)
Tal. Ambegaon, Dist. Solapur.)
- 15) Shital Raju Todekar,)
R/at. A/p. Jawala, Tal. Jamkheda,)
Dist. Ahilya Nagar.)
- 16) Sani Tyagraj Kamble,)
R/at. A/p. Bawade, Tal. Indapur,)
Dist. Pune.)
- 17) Vishal Ramesh Adagale,)
R/at. A/P. Korhale BK,)
Tal. Baramati, Dist. Pune.)
- 18) Tukaram Sadashiv Dighe,)
R/at. A/P. Rajapur Road,)
Dighe Wadi, Dist. Solapur.)
- 19) Anita Sidram Shinde,)
R/at. 140, Gurudev Nagar,)
Near Akashwani Kendra,)
MIDC Road, Dist. Solapur)
- 20) Shankar Janardhan Shinde,)
R/at. Pritigandh Vidyanagar Colony)
Sangola, Tal. Sangola, Dist. Solapur)
- 21) Mangal Baban Date,)
R/at. Ahilyadevi Chouk, Behind)
Rajgurunagar Court, Rajgurunagar,)
Dist. Pune.)

- 22) Gulab Mohan Gore,)
R/at. Pathare Niwas, Ekta Nagar,)
Chakan, Tal. Khed, Dist. Pune.)
- 23) Mangal Kailas Dhole,)
R/at. A/P. Yeti, Tal. Pathardi,)
Dist. Ahilyanagar.)
- 24) Bhagwan Vishnu Tambe,)
R/at. Sanjkheda, Pt. Gharegoan,)
Tal/Dist. Chh. Sambhajinagar.)
- 25) Kailas Gorakh Bhalerao,)
R/at. Hamalnagar, Dist. Pune.)
- 26) Dhananjay Subhsh Deokar,)
R/at. A/P. Kem, Tal Karmala,)
Dist. Solapur.)
- 27) Bhagyashri Laxman Jagtap,)
R/at. A/P. Belsar, Tal. Purandar,)
Dist. Pune)
- 28) Parasram Kachru Khokle,)
R/at. Gaytond, Pt- Manatha,)
Tal. Hadgaon, Dist. Nanded.)
- 29) Rekha Sambhaji Waghmare,)
R/at. Finolex Colony, Tapkir Nagar,)
Kalewadi, Dist. Pune. Pune.)

- 30) Ganesh Namdev Jagadale,)
R/at. A/P. Bidal, Tal. Man,)
Dist. Satara.)
- 31) Shivaji Kailas Dhole,)
R/at. A/P. Yeli, Tal. Pathardi,)
Dist. Ahilyanagar.)
- 32) Sagar Vilas Hole,)
R/at. A/P. Kasurdi, Tal. Daund,)
Dist. Pune.)
- 33) Baliram Sheshrao Waikar,)
R/at. Naigaon Road, Datt Nagar,)
Theur, Tal. Haveli, Dist. Pune.)...**Applicants.**

Versus

- 1) State of Maharashtra,)
Principal Secretary,)
Through Department of Forest,)
Having office at Mantralaya,)
Mumbai 01.)
- 2) The Principal Chief Conservator)
of Forest, (Head of Forest Force),)
Maharashtra State, Vanbhavan,)
Ramgiri Road, Civil Lines, Nagpur.)
- 3) The Chief Conservator of Forest (T),)
Vanbhavan, First Floor, Mendhi)
Farm, Bhamburda, Gokhale Nagar,)
Pune.)...**Respondents.**

WITH
M.A. 355/2025 IN O.A 415/2025

- | | | |
|-----|----------------------------------|-------------------------|
| 1) | Vaibhav Yashvant Kank, |) |
| 2) | Shriram Mahadeo Jagtap, |) |
| 3) | Trupti Trimbak Gaikwad, |) |
| 4) | Krushna Prakash Dethe |) |
| 5) | Samadhan Jitendra Patil, |) |
| 6) | Parikshit Laxman Jadhav |) |
| 7) | Chetan Kacharu Shire, |) |
| 8) | Pravin Shivaji Chavan |) |
| 9) | Dnyaneshwar Vitthalrao Navadhare |) |
| 10) | Amol Subhashrao Metkar, |) |
| 11) | Sunl Lokpal Kamble, |) |
| 12) | Vishal Rameshrao Umale, |) |
| 13) | Prameshwar Prabhu Rupnagr |) |
| 14) | Vinod Yadeo Hingane. |)... Applicants. |

Versus

- | | | |
|----|---|--------------------------|
| 1) | The State of Maharashtra, |) |
| | Through its Additional Chief |) |
| | Secretary, Forest Department, |) |
| | 1 st Floor, Mantralaya, Main Building, |) |
| | Madam Cama Road, |) |
| | Mumbai 400 032 |) |
| 2) | The Principal Chief Conservator of |) |
| | Forest Civil Line Nagpur, Nagpur |)... Respondents. |

- | | |
|----|-----------------------------------|
| 1) | Maharashtra Van Rakshak – Vanpal) |
| | Sanghatna, Branch Shahapur, |
| | Office at Range Forest, Shahpur, |
| | Brahman – Ali, Tal. Shahapur, |

Dist. Thane, Through its Division)
President, Pravin Kisan Vishe)

2) Sachin Suryabhan Kukade,)
R/at. Range Forest Office,)
Bhandara, Dist. Bhandara.)

3) Sachin Vijay Wankhede,)
R/at. Range Forest Office,)
Morshi, Dist. Amravati.)

**)...Applicants/
Interveners**

Smt Punam Mahajan, learned advocate for the applicants in O.A 415/2025.

Shri G.K Birajdar, learned advocate for the applicants in O.A 655/2025.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

Shri N.R Saboo, learned advocate for the Interveners in M.A 355/2025.

CORAM : Justice Mangesh Patil (Chairman)
Shri A.M Kulkarni (Member) (A)

DATE : 01.10.2025

PER : Justice Mangesh Patil (Chairman)

J U D G M E N T

Heard learned advocate for the applicants in both the Original Applications, learned CPO for the respondents as also the

learned advocate for the intervenors. We have also perused the record.

2. It is a dispute pertaining to conducting Limited Departmental Competitive Examination (LDCE) in the Forest Department for filling up 25% of quota in Forester post.

3. The original applicants in O.A 415/2025 are soliciting a direction for conducting the examination in view of Range Surveyor, Group-B (non gazetted), Chief Accountant, Accountant, Surveyor, Forester, Clerk-cum-typist and Forest Guard Group-C (Recruitment) Rules, 2011 amended by the amended rules of 2013 within a month (hereinafter 'the Recruitment Rules').

4. The original applicants in O.A 655/2025 are opposing any such examination and are impugning communication dated 3.6.2025, whereby the Additional Principal Chief Conservator of Forest (Administration) circulated to all the Conservator of Forest (Territorial), adverting their attention to the Recruitment Rules, the directions of the Supreme Court contained in order passed in SLP (C) No. 19262/2017 on 3.11.2017 and expecting the steps to be taken for conducting the LDCE.

5. The thrust of the argument of the learned advocate for the applicants from O.A 415/2025 is to the effect that since the Recruitment Rules provide the post of Forester to be filled in to the extent of 25% by LDCE, no such examination has been conducted after 2017. She would also advert our attention to the directions of the Supreme Court (supra) and submits that in view of the stand being taken in the affidavit in reply filed by respondent nos.1 & 2, namely, Additional Chief Secretary, Forest Department and Principal Chief Conservator of Forest, M.S, Nagpur, they have

accepted that conducting LDCE is imperative and have now started taking steps.

6. The learned advocate for the applicants in O.A 655/2025 and learned advocate for the intervenors would strenuously submit that in view of G.A.D, G.R dated 9.9.2021, the Forest Department is in the process of drafting/modifying the Recruitment Rules. The process is already underway. As per that G.R if the ratio between the promotional post and the feeder cadre does not exceed 1:3, the LDCE can be dispensed with, enabling promotions only on the basis of seniority-cum-suitability. They would submit that now that the draft recruitment rules are in the process of finalization and possibly would not contain any LDCE for selection to the post of Forester, the entire exercise would be futile.

7. They would also submit that in view of the directions in O.A 888/2025 of the division bench of the Tribunal at Nagpur decided on 19.9.2025, the respondents are bound to take a decision on the proposal regarding draft recruitment rules within four months. They would submit that contrary to such directions of the Tribunal, it would not be legally possible for this division bench to issue any directions for conduct of the LDCE.

8. Learned CPO, irrespective of the stand being taken in the affidavit in reply, submits that 15 days would be needed for finalizing the recruitment rules. She would additionally submit that in case the Tribunal directs conduct of LDCE and in the meantime fresh recruitment rules are promulgated, wherein if there would not be any provision for conduct of LDCE for promotion to the post of Forester, the directions of the Tribunal may become infructuous and could not be followed. She fairly

concedes that this submission of her is her personal view and not based on any instructions from the respondents.

9. Having considered the rival submissions and record, it is abundantly clear that there is no dispute as regards the fact that the Recruitment Rules prescribe the post of Forester to be filled in, *inter alia* to the extent of 25% by way of selection through LDCE.

10. Pertinently, the intervenors herein which is a Union was before the Supreme Court in the abovementioned matter questioning sustainability of the specific clause from the Recruitment Rules which prescribed 'graduation' as a minimum eligibility criteria to enable a Forest Guard to appear for LDCE. The Supreme Court struck down that clause holding it to be unconstitutional. It expressly directed LDCE to be conducted without resorting to that eligibility. The Supreme Court wording in the order is like this :

"18. Rule 7(2) of the Recruitment Rules to the extent that it imposes the requirement of being a graduate is declared unconstitutional. However this judgment shall not affect the promotions already made. But for further promotions, the LDCE shall be held afresh granting opportunity to all eligible Forest Guards."

11. It is abundantly clear that the Supreme Court had expressly directed the LDCE to be conducted albeit the eligibility of graduation was struck down. Still, since this direction of the year 2017 apparently the respondents never resorted to and made any attempt to conduct LDCE. We are of the considered view that this would be in breach of the Supreme Court direction.

12. Interestingly, the intervenor-Union before us had carried the matter to the Supreme Court, aggrieved by the judgment and order of the High Court and was questioning educational qualification of

graduation as an essential requirement for the Forest Guard to appear at LDCE. Meaning thereby, even at that point of time the intervenor was comfortable and was not objecting to conduct of LDCE.

13. The affidavit in reply in O.A 415/2025 is conspicuously silent as to what had prevented the respondents in conducting the LDCE in accordance with the Recruitment Rules and in spite of the directions of the Supreme Court.

14. Attempt is now merely being made to take shelter of Government Resolution in G.A.D dated 9.9.2021, whereby, for the reasons mentioned therein, a direction was given to every department to modify the recruitment rules. Only in the process of issuing such general directions it was opined that if the ratio between the feeder cadre and the promotional post does not exceed 3 : 1, to take a call as to if the LDCE could be resorted to. This opinion is now being resorted to by the respondents as well as the intervenors to mean that there cannot be LDCE for Forest Guards as a feeder cadre for promotion to the post of Forester in the rules which are still in the pipeline.

15. This circumstance would make it abundantly clear that in spite of the extant recruitment rules governing the field, expecting LDCE to be conducted, it has not been conducted. In spite of the directions of the Supreme Court way back in the year 2017, no steps have been taken to conduct the examination G.R dated 9.9.2021 in the General Administration Department is being relied upon hoping that the new recruitment rules, which are still to come into force and are still in the pipeline, on a sheer hypothesis that those may not contain any selection to the post of Forester through LDCE.

16. We are of the considered view that the very purpose of providing this accelerated promotion on the basis of selection through LDCE would be lost if it is allowed to be prolonged. This is purely meant to pick up young hardworking talent who can occupy promotional post, limiting the quota to some small percent, so that there should not be any heart burning in the employees who are older. Ignoring the efficacy and importance of LDCE, in spite of the Recruitment Rules prescribing for it, as we are told across the bar, right from the year 2013 till date only once in the year 2014 a LDCE was conducted for selection to the post of Forester.

17. We are of the considered view that this would be unbecoming of a Government Department to ignore the sanctity of selection on the basis of LDCE. This is rather illegal for any department to not to resort to LDCE even when the Recruitment Rules provide for it. Now by communication dated 17.6.2025, and as mentioned in the affidavit in reply the respondents have triggered the process for conducting LDCE, may be per force, the decision having been taken after filing O.A 415/2025, it would be appropriate for the respondents to continue with the process and complete it as expeditiously as possible.

18. Though it is an hypothesis, we must mention that we cannot comprehend that the new recruitment rules would completely do away with LDCE for selection to the post of Forester. Even if that be the case, in our considered view as on date the extant the Recruitment Rules permit LDCE as a source for selection to the post of Forester. When even the Supreme Court had directed conduct of LDCE way back in the year 2017, the respondents would be duty bound to continue with the LDCE process. We

cannot comment on the legality or otherwise of the process being continued if the new recruitment rules expressly omit it LDCE as a process for selection to the post of Forester.

19. In view of all the above facts and circumstances, we allow O.A 415/2025 and dismiss O.A 655/2025. The Respondents are directed to continue with LDCE process and complete it as expeditiously as possible within four months. Misc Application No. 355/2025 is disposed of.

SD/-

(A.M Kulkarni)
Member (A)

(Mangesh Patil. J)
Chairman

Place : Mumbai

Date : 01.10.2025

Dictation taken by : A.K. Nair.