

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12053 of 2022**

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SANJAY ISHWARBHAI DESAI
Versus
STATE OF GUJARAT

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Appearance:

MR ZUBIN BHARDA, MS DIMPLE A THAKER(6838) for the Petitioner(s) No.
1,2,3,4
for the Respondent(s) No. 2,3,4
MR KURVEN DESAI, AGP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV**Date : 01/07/2022****ORAL ORDER**

1. Draft amendment is granted. It is to be carried out forthwith.
2. Heard Mr. Zubin Bharda, learned counsel assisted by Ms. D.A. Thaker, learned advocate for the petitioners and Mr. Kurven Desai, learned AGP for the respondent – State.
3. It is the case of the petitioners that they aspire for promotion to the posts of Assistant Conservator of Forest. The feeder cadre for the posts of Assistant

Conservator of Forest is that of Range Forest Officer. Selection to the posts of Range Forest Officer was a subject matter of litigation pending before this Court. The case of the petitioners is that their names figured in the merit list for being selected as Range Forest Officer published on 23.1.2015 and only when the order dated 28.12.2017 was passed in Misc. Civil Application No.1026/2017, the department issued appointment orders in the year 2018.

4. Mr. Bharda, learned counsel for the petitioners would submit that but for this pending litigation, they would have satisfied the requisite criteria under the Recruitment Rules for promotion to the posts of Assistant Conservator of Forest. He would rely on the proviso to Rule 2 of the Assistant Conservator of Forest of the Gujarat Forest Services Class-II Rules. A representation to consider their cases for promotion to the posts of Assistant Conservator of Forest in light of their Seniority Position as set out in the list dated 10.5.2022 is made to the respondents on 17.6.2022.

5. NOTICE, returnable on 11.7.2022.
6. In the meantime, it will be open for the respondent to consider the representation of the petitioners before the returnable date.
7. Promotions, if any made, shall be subject to the final outcome of the petition.
8. Direct Service, **today**, is permitted.

VATSAL S. KOTCHA

(BIREN VAISHNAV, J)