

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(S) No. 2458 of 2018**

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1. Sudama Manjhi, aged about 61 years, S/o Late Lallu Manhji, Resident of Village - Singarakhurd, P.O. Singara, P.S.Sadar, Daltonganj, Distt. Palamu.
2. Bhola Nath Pandey, aged about 74 years, S/o Keshwar Pandey, Resident of Village Jore, P.O. Singarakhurd, P.S. Sadar Daltonganj, Distt. Palamu.
3. Raj Kumar Ram, aged about 75 years, S/o Late Deobrat Ram, Resident of Village P.S. Lesliganj, Distt. Palamu. Rajhara, P.O. Dhangaon
4. Kanhai Jha, aged about 69 years, S/o Late Ras Bihari Jha, Resident of Village Barkagaon, P.O. Rajmadih, P.S. Sadar Daltonganj, Distt. Palamu.
5. Sushila Devi, aged about 64 years, W/o Late Shardhanand Pathak, Resident of Village - Lahari, P.O. Dhawadih, P.S. Lesliganj, Distt. Palamu.
6. Mani Nath Singh, aged about 72 years, S/o. Late Jagtu Singh, Resident of Village - Bhatashi Tola Nawadih, P.O. Dhangaon, P.S. Lesliganj, Distt. Palamu.

..... Petitioners

Versus

1. The State of Jharkhand.
2. The Principal Secretary, Finance department, Govt. of Jharkhand Project Building Jagannathpur, Distt, Ranchi, P.O. Dhurwa, P.S.
3. The Principal Secretary Forest and Environment Department, Govt, of Jharkhand, P.O. & P.S. Doranda, Distt. Ranchi (Office situation at Nepal House, Doranda, Ranchi.
4. The Principal Chief Conservator of Forest, Jharkhand, Van Bhawan, P.O, & P.S. Doranda, Distt, Ranchi.
5. The Divisional Forest Officer, North Division, Daltonganj, P.O, & P.S. Daltonganj, Distt, Palamu.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Saurabh Shekhar, Advocate  
For the Respondent(s) : Mr. Vishal Kr. Rai, AC to GA-IV

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**Order No. 11/Dated: 5<sup>th</sup> May, 2026**

The instant writ application has been preferred by the petitioner for the following reliefs:

*“(i) For direction upon the concerned respondent authorities for quash the part portion of Memo no. 765 dated 24.04.2014 (Annexure 3) and in which the scale of 2nd A.C.P. of the Non Matric Forest Guards have been fixed to Rs. 4500 7000/- instead of Rs. 6500 10,500/- by the screening committee headed by the Regional Conservator of Forests and Conservator of Forests;*

*(ii) For direction upon the respondents authorities concerned to make the payment of 2nd. A.C.P. of the scale of Rs. 6500*

*10,500/- with their retrospective effect in compliance of the Resolution taken by the State Government vide his Memo No. 2446 dated 17.11.2012*

*(iii) For direction upon the concerned respondents specially the respondent no. 2 to forbear from giving effect to or acting pursuant to or in furtherance the said matter;*

2. Briefly stated, the petitioner No. 1 namely Sudama Manjhi has joined the service as a Forest Guard on 28.01.1988 and he was promoted as a Forester on 14.07.2014. As per the service period, he deserves for 2nd, A.C.P. from 28.01.2003 from the scale of Rs.6500-10,500/-and he retired from post of Forester.

The petitioner no.2 namely Bhola Nath Pandey has joined the Forest Gourd in the year 1972 and he retired from his service on 30.09.2002 and as per the service period, he deserves the 2nd. A.C.P. from the scale of Rs. 6500-10,500/- from the year 1996.

The petitioner No. 3 namely Raj Kumar Ram joined the Forest Department as a Forest Guard on 03.03.1982 and he retired from the service on the same post on 31.06.2001. and as per the service period, he deserves the 2nd. A.C.P. from the scale of Rs. 6500-10,500/-.

The petitioner no. 4 Kanahai Jha has joined the service in the Forest Department as a Forest Guard on 02.10.1990 and he retired from his service on 28.02.2007. As per the service period he deserved the 2nd A.C.P. as a scale of Rs. 6500 10,500/- from 02.10.2004.

The petitioner no. 5 namely Sushila Devi is the wife Shardyhanand Pathak who was the employee of the Forest Department and he died on 17.08.2013 and as per his service period he also deserves the 2nd. A.C.P. at the scale of Rs. 6000-10,500/-.

The petitioner no. 6 namely Mani Nath joined the forest department in the year 1973 as a forest guard and he retired from the service in the year 2004. And as per his service period he deserved the 2nd A.C.P.

3. At the Outset, learned counsel for the petitioner submits that issue regarding the scale structure of 2<sup>nd</sup> A.C.P. in respect of the forest guard concern; this Court has decided the issues and given verdict in *W.P.(S) No. 6081/2014* along with the other analogous cases in which it has been observed that that the scale structure of 2<sup>nd</sup> A.C.P. for the post of Forest Guard is 6500-10,500 and also observed that the qualification for matriculation is not required for granting the 2<sup>nd</sup> A.C.P. in the scale of 6500-10500/-. The state has also preferred appeal being L.P.A.no 262 of 2018 which was also dismissed.
4. Learned counsel for the respondents submits that the petitioners are non-matric; as such, no relief should be granted; however, he could not dispute the fact that the issue of this case is squarely covered by the aforesaid judgment.
5. Having heard learned counsel for the parties it transpires that issue has been squarely covered by the order passed in *W.P.(S) No. 6081/2014* along with the other analogous cases in which it has been observed that that the scale structure of 2<sup>nd</sup> A.C.P. for the post of Forest Guard is 6500-10,500 and also observed that the qualification for matriculation is not required for granting the 2<sup>nd</sup> A.C.P. in the scale of 6500-10500/-.

For brevity, relevant paragraph of the order passed in *W.P.(S) No. 6081/2014* along with the other analogous cases, is quoted herein below:

*“9. Resultantly, the writ petitions are allowed. The respondents are directed to consider the cases of the petitioners and grant them the benefits of 2nd ACP by disregarding the requirement of matriculation as essential qualification provided the petitioners, who are otherwise eligible and suitable for grant of 2nd ACP in the scale of Rs.6500-10500. Further, the order of recovery, if any, are also hereby quashed and set aside. The respondents are further directed to grant the said benefits to the petitioners and to make refund of the amount, if any, which has already been recovered, within a period of three months from the date of receipt/ production of a copy of this order and also inform the petitioners accordingly”.*

6. The appeal preferred against the said order was also dismissed; as such, the issue has been set at rest up till the Division Bench of this court in *L.P.A.no 262 of 2018*. For brevity,

relevant paragraph is quoted herein below:

*“4. As such, the only question, that is required to be decided in all these LPAs are, whether the writ petitioners were entitled for the benefits of the 2nd ACP in the scale of Rs.6500/- to 10,500/-, and whether the benefits of this scheme could be denied to them on the ground that they were not having the prescribed minimum qualification for the post of Forest Range Officer, i.e., matriculation pass. It may be stated that so far as the grant of 1<sup>st</sup> ACP to the writ petitioners are concerned, the matter is no more in dispute.*

*“7. Having heard learned counsels for both the sides and upon going through the record, we find that for answering the question whether the writ petitioners were entitled for the benefits of the 2nd ACP in the scale of Rs.6500/- to 10,500/-, and whether the benefits of this scheme could be denied to them on the ground that they were not having the prescribed minimum qualification for the post of Forest Range Officer, the only point that is required to be seen, whether for the promotion to the post of Forest Ranger, the writ petitioners were required to have the qualification of matriculation pass. In this connection, the Clause 3.20 of the Forest Manual is absolutely clear, which provides that for filling up of the said post by promotion, the minimum qualification is not to be seen, rather the only requirement to be seen is that the employee must have, long service in the feeder post, as well as tried ability and probity, and if they fulfilled these conditions, they could not be denied the promotion to the post of Forest Ranger, irrespective of their educational qualifications. Thus, the very ground for withdrawing the 2nd ACP granted to the petitioners, that they were not having the prescribed educational qualification for the post for direct recruitment to the post of Forest Ranger, is absolutely a non-existent ground, in view of the express provision in Clause 3.20 of the Forest Manual.”*  
(Emphasis supplied)

7. Having regards to the above, the issue involved in the instant Writ application is Squarely covered by the aforesaid order; as such, the part portion of *Memo no. 765 dated 24.04.2014 (Annexure 3)*, in which the scale of 2nd A.C.P. of the Non-Matric Forest Guards have been fixed to Rs. 4500- 7000/- instead of Rs. 6500-10,500/-, is quashed and set aside.
8. The concerned respondents are directed to make the payment of 2nd. A.C.P. in the scale of Rs. 6500-10,500/- with their retrospective date. The entire exercise shall be completed within a period of 10 weeks from the date of receipt/production of copy of this order.
9. Accordingly, the instant writ application stands allowed.
10. Pending I.As., if any, also stand disposed of. No cost.

**(Deepak Roshan, J.)**

5<sup>th</sup> May, 2026  
Kunal

Uploaded on 23.05.2026