

Cont. Case (Civil) No. 1064 of 2023

Anand Vijoy	...	...	Petitioner
Versus			
The State of Jharkhand & Ors.	...	...	Opp. Parties

CORAM :HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Amit Kumar Das, Advocate
For the Opp. Parties : Mr. Yogesh Modi, AC to AAG IA

Order No. 04 : Dated 26th November, 2025

1. We have passed order dated 12th November, 2025 whereby and whereunder order of the physical appearance of Divisional Forest Officer, Medininagar Forest Division, Palamau along with the record pertaining to the service profile of the petitioner showing mark of his attendance has been passed.

2. One Interlocutory Application being I.A. No. 15805 of 2025 has been filed under the caption '*An interlocutory application on behalf of O.P. No. 3 for exemption from personal appearance on 26.11.2025*' has been filed.

3. Mr. Yogesh Modi, learned AC to AAG-IA appearing on behalf of Opp. Parties-State has sought for exemption of the concerned officer as per reason assigned in paragraph 4 of the Interlocutory Application wherein it has been stated that O.P. No. 3 i.e., Divisional Forest Officer, Medninagar Forest Division, Palamau is on leave from 22.11.2025 to 27.11.2025 for the marriage of his sister, which is taking place at Patna. Referring to paragraph 5, learned State counsel has stated that Opp. Party No. 3 has undertaken to remain physically present before this Court on any day after 27.11.2025.

4. In the light of aforesaid facts, prayer has been made for exemption of personal appearance of O.P. No. 3 on 26.11.2025.

5. We are not averse to passing an order of exemption but the requirement for the same is that the application must be in order i.e., the appropriate application for exemption must be filed by the person concerned who has been directed to appear physically showing the valid reason.

6. Herein, this Court has passed order on 12.11.2025 for personal appearance and the ground for exemption has been taken that the officer concerned is on leave from 22.11.2025 to 27.11.2025 due to marriage of his sister at Patna.

7. But no such application has been filed seeking modification of order dated 12.11.2025 prior to moving from the place of posting i.e., Palamau to Patna, rather, the present Interlocutory Application has been filed on 25.11.2025

8. This Court, therefore, is of the view that if the concerned officer was to move to attend the marriage ceremony of his sister, he should have made an application prior to leaving to Palamau, i.e., his place of posting from where he has moved on 21.11.2025 whereas this Court has passed on 12.11.2025.

9. Furthermore, the present Interlocutory Application [I.A. No. 15805 of 2025] has been filed in the representative capacity under the authority of Opp. Party No. 3 sworn by one Range Forest Officer.

10. This Court, is of the view that when there is direction for physical appearance, the application, in representative capacity, cannot be held to be maintainable. It could have been considered

if this Court would have passed order immediately before the scheduled date of marriage or in a case where there was no sufficient time to file affidavit by the officer concerned but that is not the situation herein, rather, as per the averment made in the Interlocutory Application the officer is on leave from 21.11.2026 to 27.11.2026, then who has restrained him from filing application seeking exemption from personal appearance.

11. This Court, therefore, *prima facie* is of the view that the conduct of the officer concerned is not appreciable rather he has flouted the order passed by this court by not taking appropriate step at appropriate time by filing application in individual capacity.

12. Therefore, the Interlocutory Application being I.A. No. 15805 of 2025 stands rejected.

13. Let the concerned Divisional Forest Officer, Medininagar Forest Division appear in person on next Wednesday to explain as to why a proceeding for contempt be not initiated against him.

14. List this case on 03.12.2025.

(Sujit Narayan Prasad, J.)

26th November, 2025

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