



सत्यमेव जयते

भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. RDD/2/2017/STGMH/SEOTH/RU-IV

Dated: 13.06.2019

To,

1 The Chief Secretary,
Government of Maharashtra,
Mantralaya,
Mumbai – 400 032.

2 The Secretary (Forest),
Department of Revenue & Forest,
Government of Maharashtra,
Mantralaya,
Mumbai – 400 032.

Sub: Proceedings of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 03.06.2019 in the matter of Shri Rakesh Devaji Dumada & Ors. C/o Adiwasi Ekta Parishad, District – Palghar (Maharashtra) regarding irregularities in recruitment of Forest Guards for the year 2014-15 and denial of appointment to the selected ST candidates.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 03.06.2019 on the above mentioned subject for necessary action at your end.

It is requested that an action taken report on the Commission's recommendation in the case may please be sent to this Commission within 30 days positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully

(Y.K. Bansal)

Research Officer

Ph. 24645826

Copy for information to:

Shri Rakesh Devaji Dumada,
C/o Adiwasi Ekta Parishad,
Damkhind, Post – Kothan,
District – Palghar – 401 403 (Maharashtra).

Copy to: SAS NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RDD/2/2017/STGMH/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 03.06.2019 CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI RAKESH DEVAJI DUMADA & OTHERS C/O ADIVASI EKTA PARISHAD, DISTRICT-PALGHAR, (MAHARASHTRA), REGARDING IRREGULARITIES IN RECRUITMENT OF FOREST GUARD FOR THE YEAR 2014-15 AND DENIAL OF APPOINTMENT TO THE SELECTED ST CANDIDATES.

Date of Sitting: 03.06.2019

List of officers present in sitting is Annexed.

The petitioner Shri Rakesh Devaji Dumada & others have represented before the Commission regarding denial of appointment to the post of Forest Guard in Govt. of Maharashtra. He has raised the following grievances.

- (i) Shri Rakesh Devaji Dumada & others had applied for the post of Forest Guard Recruitments in the Thane and Palghar District, Maharashtra against advertisement published by forest department dated 22.05.2014 for 113 vacancies for Scheduled Area. But the Forest Department selected only 94 candidates.
- (ii) The Forest Department did not fill up all reserved ST vacancies after the eligible candidates were available in the list of Forest Department. The complainants submitted many representations and protest letters to the Chief Conservator of Forest (T.), Thane, but did not given any positive response.
- (iii) The Commission's recommendation made during the sitting held on 10.05.2018 and proceedings issued on 03.07.2018 were not implemented by the Forest Department, Govt. of Maharashtra. Moreover, no proposal for seeking relaxation in favour of selected ST candidates was sent from the Hon'ble Governor, Maharashtra by the Department concerned.
- (iv) The Minister of Maharashtra interfere in the matter and requested to the Chief Conservator of Forest (T.) Thane to take appropriate action in this matter, but the Chief Conservator of Forest (T.) Thane did not bother.
- (v) The petitioners have requested for implementation of the Commission's recommendations and issuing direction to the Forest Department for filling up of 17 vacant ST posts of Forest Guard from the selected ST candidates.

2. Earlier the case was taken up with the Forest Department, Govt. of Maharashtra and subsequently a sitting was held on 10.05.2018 in the Commission. After detailed examination

of the case, the Commission had recommended that the Government of Maharashtra may consider to relax the norm of validity of select list of one year to adjust the candidature of the selected ST candidates and after receipt of the Hon'ble Governor's recommendation, necessary urgent action may be taken for issuing of appointment orders of selected ST candidates. At the same time the Commission had recommended that Hon'ble Govt. of Maharashtra may consider to relax the norms for filling up of ST vacancies from other Scheduled Area District as the petitioners have already selected and their appointments could not be issued for want of availability of vacancies.

The Commission's recommendations were also issued to the Govt. of Maharashtra as well as Secretary to Hon'ble Governor, Maharashtra for necessary action on 03.07.2018. However, no action taken report was received.

3. As an action taken report on the Commission's recommendations is still awaited, therefore, the Hon'ble Chairperson, NCST has decided to hold a sitting on 03.06.2019 with the all Officer concerned in the case. Accordingly, sitting notice was issued to the Secretary, Revenue & Forest, Govt. of Maharashtra on 22.05.2019.

4. In sitting, the Additional Principal Chief Conservator of Forests (Administration), Govt. of Maharashtra and Chief Conservator, Thane appeared. The petitioners were also present.

5. In the sitting, the petitioners informed the Commission that against an advertisement of filling up of 133 ST vacancies for the post of Forest Guards in Districts of Palghar, Thane and Raigad, they have applied and got selected after due selection procedure. However, the Forest Department did not issue their offer of appointment letters on the ground of non availability of vacancies in District Palghar. However, the fact is that at the time of applying, they were native of District Thane as Thane and Palghar were part of one District Thane. The mode of submission of application was computer based and there was no option of District Palghar. Hence, being native of District Palghar, their candidature were rejected after their selection and denied appointment on the grounds of non availability of vacancies in District Palghar. Presently, the Forest Department has 17 unfilled ST vacancies of Forest Guard pertaining to District Thane and denial of appointment against these vacancies are injustice against the selected ST candidates.

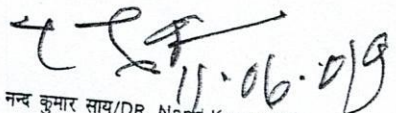
In addition, the Secretary, Forest Department had submitted before the Commission during the sitting held on 10.05.2018 that in supplementary advertisement dated 05.09.2014 was clearly indicated the district wise break up of 41 posts as 24 posts for Palghar District and 17 posts for Thane District. As per this proportion, the breakup of revised 27 posts (as per GAD's corrigendum dated 26.06.2015) would have been 16 posts for Palghar and 11 posts for Thane District. On the contrary, Chief Conservator of Forest (T), Thane filled up 21 posts in Palghar district and 3 posts in Thane District on the basis of merit. This has resulted in filling up maximum posts in Palghar District. Hence, keeping in view the said department's action and interest of the ST candidates, the additional 17 unfilled ST vacancies pertaining to District Thane could be filled up from the selected ST candidates of District Palghar. They request the Commission to direct the Officers of the Forest Department to relax the norms of the validity of the selection list and issuing of offer of appointment to selected ST candidates

against 17 unfilled ST vacancies. In addition, the Department of Forest has issued a fresh recruitment advertisement for filling up of unfilled ST vacancies to the post of Forest Guard and the said fresh recruitment should immediately be stopped so that the interest of the selected ST candidates could be protected.

6. The Additional Principal Chief Conservator of Forest, Maharashtra was stated that the Principal Secretary to the Governor vide its letter dated 19.03.2019 had informed that the Commission's recommendations were examined in consultation with Law and Judiciary Department, Govt. of Maharashtra and the Department opinioned that the Commission does not have authority to adjudicate the matters/grievances relating to the recruitment in Government. Hence, the matter has been filed. However, as per record, the petitioners were low in the merit and the vacancies were limited. Therefore, as per selection merit and availability of vacancies District wise and mode of criteria for recruiting of local ST candidate of Scheduled Area, the offer of appointment to the selected ST petitioner could not be issued.

7. The case was discussed in detail. The Commission observed that the ST petitioners were got selected to the post of Forest Guard after due selection procedure of physical test and marks obtained in the class 10 examination. The petitioners were basically native of District Thane at the time of applying for the post. However, after completion of selection procedure and bifurcation of the District Thane into two Districts of Thane and Palghar, their appointments were not considered against vacant ST vacancies of District Thane due to treating them native of District Palghar. The Commission further noted that presently, the Department still has 17 unfilled ST vacancies pertaining to District Thane and eligible ST candidates of the Scheduled Areas are available. Hence, denial of appointment to the petitioners seems to be not justified. The Commission therefore recommends as follow:

- The Competent Authority of Department of Forest will consider to issue offer of appointment to all the ST petitioners against unfilled 17 ST vacancies to the post of Forest Guard. In this regard, the Department concerned will get whatever necessary approvals/relaxations in the norms of filling up the vacancies and validity of the selection panel from the concerned Departments, if required.
- The entire process should be completed within two months period and it should be ensured that no injustice be meted out against the ST petitioners.
- The Department of Forests will not initiate any action on fresh recruitments against unfilled ST vacancies as the matter is under consideration before the Commission.
- The appointment issue should be resolved in positive way.
- An action taken report on the Commission's recommendations should be submitted to the Commission within 30 days on the receipt of the proceedings.


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

File No. RDD/2/2017/STGMH/SEOTH/RU-IV

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri H.K. Damor, Hon'ble Member
4. Smt. Maya Chintamn Ivnate, Hon'ble Member
5. Shri A.K. Singh, Secretary
6. Shri S.K. Ratho, Joint Secretary
7. Shri Y.K. Bansal, Research Officer
8. Shri H.R. Meena, Sr. Investigator

Chief Secretary, Government of Maharashtra

1. Shri A.R. Mande, Additional Principal Chief Conservator of Forests (Administration)
2. Shri Naresh A Zurmure, Chief Conservator Officer, Thane.

Petitioner

1. Shri Rakesh Devaji Dumada
2. Shri Ankush Laxman Ghedad