

Shera Ram and anr Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Aug-29-2013

Appellant : Shera Ram and anr

Respondent : State and ors

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR 1
D.B.Civil Special Appeal (Writ) No.590/2013 Ram Prasad & anr. V/s State of
Rajasthan & ors.

2. D.B.Civil Special Appeal (Writ) No.591/2013 Shera Ram & anr. V/s State of
Rajasthan & ors. Date of judgment ::- 29 .8.2013 PRESENT Hon'ble the Chief
Justice Mr.Amitava Roy Hon'ble Mr.Justice Arun Bhansali Mr.R.S.Choudhary for
the appellants. Mr.G.R.Punia, Additional Advocate General and Mr.Rajesh Punia
for the respondents.

JUDGMENT

BY THE COURT (Per Hon'ble Mr.Amitava Roy, CJ) We have heard
Mr.R.S.Choudhary, learned counsel for the appellants and Mr.G.R.Punia,
Additional Advocate General and Mr.Rajesh Punia, learned counsel for the
respondents. As the issues raised in both the appeals are common, they were
heard together and are being decided by this judgment. The facts are taken from
appeal no.590/2013. The appellants-writ petitioners, who passed their Secondary
School Examination from the Board of Secondary Education, Rajasthan, Ajmer

and also acquired the qualification of Senior Secondary (Vocational) from the same Institution, have offered their candidature in response to the advertisement dated 29.5.2013 issued by the Director, Department of Agriculture, 2 Rajasthan, Jaipur for appointment to the post of Agriculture Supervisor. In clause 5 of the said advertisement, which laid down the academic qualifications for appointment to the said post, it was stipulated that those possessed of Senior Secondary (Vocational) would not be eligible. According to the appellants-writ-petitioners, the same authority had on an earlier occasion on 30.11.2011 issued a similar advertisement permitting participation of candidates possessed of qualification of Senior Secondary with Agriculture. They have averred as well that they participated in the said process and their candidature was also accepted. Being aggrieved by their exclusion in view of the criterion to the contrary in the advertisement dated 29.5.2013, they invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India. The learned Single Judge by the decision impugned having declined to interfere, they are in appeal. We have considered the pleaded facts and the documents annexed. The arguments advanced have also been examined. Clause-5 of the advertisement dated 29.5.2013 prescribes the academic qualifications for the post involved with the clarification appended thereto. For ready reference, the text is extracted hereinbelow:- 5 :

15. 7.2013 :- # \$ ' 3 - ' ..' . (0

1) ' ..' . (0 1-) # ' - 10 + 2 - ' 01 - # ' \$7 ' - ' 01 - # 9 " \$' :- ' ..' . (0

1) ' ..' . (0 1-) # ' - 10+2 - ' 01 - # ' \$7 ' - ' 01 - # 9 < = - < ..' . (0

1) ..' . () - ' = # ' - = () - #C \$ - \$ = F-" It would be apparent from the academic qualifications so required that a candidate has to hold a degree of B.Sc. (Agriculture) or B.Sc. (Horticulture) Honours or pass Senior Secondary Examination with Agriculture or Higher Secondary with Agriculture under old Scheme. The clarification attached thereto elaborates that in absence of any degree of B.Sc. (Agriculture) or B.Sc. (Horticulture) Honours or pass in Senior Secondary Examination with Agriculture or Higher Secondary with Agriculture under old Scheme, the holders of degree of M.Sc. (Agriculture) or M.Sc. (Horticulture) and qualification of Senior Secondary (Vocational) would not be

qualified for the said post. The framers of the conditions of eligibility for the post of Agriculture Supervisor thus had consciously excluded amongst others the qualification of Senior Secondary (Vocational) from the purview of recognized academic qualifications therefor. Neither such a prescription can be repudiated to be wanting in competence or relevance. The 4 concerned authority is the best Judge to assess the requirement thereof. Noticeably, such a clarification with the emphatic overtone attached was absent in the advertisement dated 30.11.2011 which provided the following academic qualifications:- 2- :

01. \$- - H # \$ ' - '..'. 01 # ' - 10+2 - ' 01 - # ' 9 \$ 7 ' - ' 01 - # 9 " As the above text would reveal, the required academic qualification was B.Sc. in Agriculture or a pass in the Senior Secondary Examination with Agriculture or Higher Secondary with Agriculture under the old Scheme. These two provisions if juxtaposed clearly demonstrate the conscious insertion of the clarification in the advertisement dated 29.5.2013 excluding the qualification of Senior Secondary (Vocational) from the realm of permissible academic qualifications envisaged for the post. The plea taken on behalf of the appellants-writ petitioners that they having been permitted to participate in the earlier selection process initiated by the advertisement dated 30.11.2011, cannot be ousted on the basis of the impugned clarification in the advertisement dated 29.5.2013 thus lacks in persuasion. Though Mr.Choudahry has urged with reference to the mark sheet issued to one of the appellants-writ petitioners to highlight that the subjects in the Higher Secondary (Vocational) Examination passed by him 5 include those relatable to agriculture, we are left unconvinced that this per se would signify that he holds a qualification of Higher Secondary with Agriculture or that his qualification of Higher Secondary (Vocational) is equivalent thereto. Aside this, no concept of such equivalence is discernible in Clause-5 of the advertisement dated 29.5.2013. On a totality of the above considerations, we are thus of the unhesitant opinion that no interference with the impugned judgment and order is called for. The appeals lack in merit and are dismissed. A copy of this judgment be placed in both the files. (Arun Bhansali)J.

(Amitava Roy)CJ Parmar