

**Sanjay Kumar Sahu Vs. the State of Madhya Pradesh Judgement Given By:
Hon'ble Shri Justice Sanjay Yadav**

**Sanjay Kumar Sahu Vs. the State of Madhya Pradesh Judgement Given By:
Hon'ble Shri Justice Sanjay Yadav**

SooperKanoon Citation : sooperkanoon.com/1127434

Court : Madhya Pradesh

Decided On : Feb-07-2014

Appellant : Sanjay Kumar Sahu

**Respondent : The State of Madhya Pradesh Judgement Given By: Hon'ble Shri
Justice Sanjay Yadav**

Advocate for Pet/Ap. : Shri. N.S. Ruprah

Judgement :

1 Writ Petition No. 2210 Of 2014 7.2.2014 Shri N.S. Ruprah, learned counsel for the petitioner.

Shri S.S. Bisen, learned Government Advocate for State of M.P. on advance notice.

Heard on admission.

Non consideration of petitioner's candidature for the post of District Data Manager, in the office of Chief Medical and Health Officer, Dindori is cause for the present writ petition.

Applications were invited for various posts including District Data Manager, vide advertisement issued in November 2012 on contractual basis at District

Surveillance Unit : Integrated Disease Surveillance Project .

The requisite qualification and experience prescribed for appointment of Data Manager at District Head Quarters was: "Post Graduate Qualification in Computer Science as B.E in IT/Electronics with minimum 3 years experience preference will be given to those who have worked in Health or Social Sector." Petitioner a Post Graduate (Master of Arts), Post Graduate Diploma in Computer Application in December 2011 and since he did not possess three years experience after acquiring Post Graduate Diploma, has not been considered for appointment.

Contention on behalf of the petitioner is that, prior to his acquiring Post Graduate Diploma he has the experience to work on Computer of six months (Annexure P/5). Thereafter since 2 11.4.2007, he is working on contract basis as Data Entry Operator in the office of Chief Medical and Health Officer, therefore, the experience gained on the post ought to have been taken into consideration.

Question is whether when post graduate qualification in Computer Science or B.E in IT/Electronics with minimum three years experience is prescribed as an essential qualification an experience gained prior to acquiring the said qualification can be taken into consideration?.

In P.K. Ramachandra Iyer and others v. Union of India and others: (1984) 2 SCC 141, it has been held: "30.....And we do not subscribe to the view that the period spent in preparing thesis for M.Sc. mark not Ph.D. counts towards required experience. It is wellsettled that experience to be of value and utility must be acquired after the educational qualification is obtained and not while acquiring the postgraduate qualification." In Indian Airlines LTD. and others v.

S.

Gopalakrishnan [(2001) 2 SCC 362]. it is observed: "4.

The respondent has obtained the ITI certificate in June 1994 and he had about five years of experience after obtaining the certificate and diploma in Mechanical Engineering was obtained in April 1996. In any event, it is clear that the experience obtained by him falls short of the requisite qualification.

This Court in N.

Suresh Nathan and another v. Union of India and others 1992 Supp.(1) 3 SCC : 584; Gurdial Singh v. State of Punjab 1995 (3) SCC : 333 and Anil Kumar Gupta v.

Municipal corporation of Delhi : 2000(1) SCC128, has explained the necessity to obtain experience after obtaining the requisite qualification.

5.

When in addition to qualification, experience is prescribed, it would only mean acquiring experience after obtaining the necessary qualification and not before obtaining such qualification." In the case at hand since the 3 years experience is clubbed with the Post Graduate Qualification in Computer Science or B.E in IT/Electronics, the experience gained prior to acquiring such qualification will be of no avail.

Therefore, since the petitioner does not has to his credit the three years experience after acquiring Post Graduate Qualification in Computer Science, his candidature for the post of Data Managers, in the considered opinion of this Court has rightly been rejected.

In view whereof petition fails and is dismissed in limine. No costs.

(SANJAY YADAV) JUDGE Vivek Tripathi

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com