

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5380 of 2015

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Amar Kumar. Son of Sri Niraj Lal. Resident of Village - Maniyarpur, P.O.-
Muktapur, Via - Navrang, P.S.- Kalyanpur, District - Samastipur (Bihar), PIN -
848102.

.... Petitioner/s

Versus

1. The Union of India through Secretary Agriculture Department Union of India,
New Delhi.
2. The Secretary, Agriculture Department, Union of India.
3. The Secretary, Finance Department, Union Of India.
4. The Secretary, Environment and Forest Department, Union of India.
5. The Chairman, Indian Council of Agriculture Research, Krishi Anusandhan
Bhaban - II, Pusa, New Delhi - 110012.
6. The General Manager Administration, Institute of Banking Personnel Selection,
IBPS House, Near Thakur Polytechnic, 90 D.P. Road, Off. Western Express
Highway, P.B. 8587, Kandivali (E), Mumbai - 400101.
7. The Chairman, Selection Committee, Institute of Banking Personnel Selection,
Patna - 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
Mr. Swapnil Kumar Singh, Adv.

For the Respondent/s : Ms. Kanak Verma, (CGC)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 07-04-2015

Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ application reads

as follows:-

- "1. ----- commanding and directing the respondents to
give permission to appear to interview of the post of
Agriculture Field Officer (Post Code - 02), which is
conducted by the IMPS. In which requisite
qualification is 4 years Degree (Graduation) in
Agriculture/ Horticulture/ Animal Husbandry/
Veterinary Science/ Dairy Science/ Agri.
Engineering/ Fishery Science/ Pisciculture/ Agri.

Marketing & Corporation/Co-operation & Banking/Agro-Forestry. And for issuance a direction to the respondents to change educational qualification 4 years Degree (Graduation) in Forestry, instead of 4 years Degree (Graduation) in Agro-Forestry."

3. Learned counsel for the petitioner, in support of the aforementioned prayer, has referred to various documents enclosed with the writ application to show that the qualification of B.Sc. Honours in Forestry of the petitioner would be well capable of meeting the requirement in the advertisement issued by the Institute of Banking Personnel Selection (IBPS) for the post of Agriculture Field Officer because when a four years degree was sought for in any subject including Agro Forestry, the petitioner having degree of Forestry in which 'Agro Forestry' is also one of the subject should have been treated to be sufficient to meet the requirement. In this regard, he also explains that as a matter of fact, when the IBPS had also accepted the application of the petitioner and had allowed him to appear in the written test, it cannot now deprive the petitioner from appearing in the interview. Finally, he has sought to make out a case of discrimination by pointing out that IBPS has allowed one Rajopriya Goswami to appear for the same post though she too had allegedly the qualification of B.Sc. in Forestry and not in Agro Forestry.

4. Ms. Kanak Verma, learned counsel for the respondent no.1 has submitted that the interview was scheduled to be held on



15.3.2015 and, therefore, now no useful purpose will be served in deciding the question raised by the petitioner in this writ application which was filed on 6.4.2015. She has further submitted that this Court cannot take upon itself the job of equivalence of qualification, inasmuch as, this has to be left within the discretion of the recruiting and selecting agency.

5. In the considered opinion of this Court, the whole effort of the petitioner is to get a declaration that when he had possessed the qualification of B.Sc. Honours in Forestry, he had the requisite qualification for the post of Agriculture Field Officer as advertised by IBPS for making its recommendation to the participating Bank. From the advertisement as contained in Annexure-2, it would become clear that when the eligibility criteria was laid down for different posts including the post of Agriculture Field Officer, it was made clear that such educational qualification was to be acquired from a University, Institution/ Institution/ Board recognized by the Government of India/ approved by the Government Regulatory Bodies for the purpose of Agriculture Field Officer. The following educational qualification was prescribed:-

"4 year Degree (gradation) in Agriculture/Horticulture/ Animal Husbandry/ Veterinary Science/ Dairy Science/ Agri. Engineering/ Fishery Science/ Pisciculture/ Agri Marketing & Cooperation/Co-operation & Banking/ Agro-Forestry"

6. Admittedly, the petitioner does not have the four years



Degree Graduation in Agriculture/Horticulture/Animal Husbandry/ Veterinary Science/ Dairy Science/ Agriculture Engineering/ Fishery Science/Pisciculture/Agri Marketing & Cooperation/Co-operation & Banking/Agro-Forestry. Amongst aforesaid different courses, it is only his qualification of Forestry which is sought to be now equated by the petitioner with four years Degree Graduation in Agro Forestry.

7. The submission of the learned counsel for the petitioner that since Agro Forestry is also one of the subjects taught in the course of B.Sc. Forestry Honours and hence the petitioner should be deemed to be qualified by way of having four years degree graduation in Agro Forestry has to be only noted for its being rejected. Agro Forestry in the context of the advertisement has been treated to be a discipline in which a person is supposed to have degree (Graduation). It is immaterial as to whether the subject is being taught any where in India. Someone may have such qualification from any foreign university and can apply but that does not mean that the qualification laid down in the advertisement can be either read down or changed only for the petitioner or any one. This aspect relating to exercise of power in the matter of equivalence of qualification was gone into by this Court in the case of *Satyendra Singh & Ors Vs. Sanjay Kumar & Ors.* reported in *2001(1) PLJR 104* where same question with regard to four years B.Sc. Engineering in Fishery was sought to be made equivalent to a Diploma awarded by a deemed university on the basis of subject

and curriculum taught in the two courses. This Court in this context had held as follows:-

"15. Thus the law is settled that when the recruitment rule provide for a requisite qualification and the question arises as to whether any other qualification is equivalent to the qualification prescribed in the recruitment rules or not, then that question has to be decided by the competent authority and the Court cannot amend the rule or reframe it and the Court can only direct the concerned authority to re-examine the matter specially in a technical matter, like this, after obtaining the expert's opinion. The Court cannot take a final decision on the basis of affidavit and the opinion of the expert and decide such matter. The power of judicial review in such a matter is very limited and in case if the State Government decides the matter and the same is found to be arbitrary, mala fide, then the Court will consider the same keeping in view the scope of judicial review in such matter."

8. Let it be noted that this judgment was affirmed by the Apex Court and the Special Leave Petition of the petitioner was dismissed by a reasoned order.

9. Having thus regard to the law already laid down by the Division Bench of this Court in the case of Satyendra Prasad (supra), I do not intend to venture into the same exercise of holding the qualification of the petitioner of B.Sc. Honors in Forestry to be equivalent to four years Degree Graduation in Agro Forestry.

10. The second aspect which would also be relevant to be kept in mind is that the interview was scheduled to be held on 19th of



March, 2015 and that day has already crossed much before the filing of this writ application on 6.4.2015. As with regard to the petitioner being allowed to appear in the written test, the answer itself lies in the interview call letter wherein it has been clearly mentioned that verification of the certificates as prescribed in the advertisement shall be held at the time of interview and the candidates, not having the certificate, will not be allowed to appear in the interview as is clearly mentioned in Clause-3 of the interview call letter (Annexure-7), which reads as follows:-

"3. Please note that the candidates who come for the interview without the above mentioned certificates/documents or found ineligible at the time of verification of the documents will not be allowed to attend the interview/will not be considered for further selection process. No undertaking in this connection shall be entertained."

11. Finally, the plea of discrimination as orally sought to be raised by the learned counsel for the petitioner by citing an instance of Rajopriya Goswami cannot be entertained for two reasons. Firstly because the same issue was raised by the petitioner and others on 11.3.2015 and the Deputy head Administration of the ICDS had informed the petitioner that for the sake of uniformity the we cannot deviate from the advertisement. Therefore, it was very important for the petitioner to produce the authentic materials to show that Rajopriya Goswami despite holding the qualification of B.Sc. Honours in Forestry was allowed to appear in the interview.

12. Nonetheless, since the petitioner has been deprived in appearing in the interview on the same ground that he did not have the qualification of B.Sc. in Agro Forestry, if Rajopriya Goswami has been allowed to appear in the interview on the basis of her holding the only qualification of B.Sc. in Forestry, even her case should be reconsidered by the IBPS and/or Andhra Bank where her name has been recommended.

13. This Court, however, would immediately hasten to add that since there is no averment in the writ application nor Rajopriya Gowami has been made party to this writ application, whatever observation has been made is only on the basis of oral submission of the learned counsel for the petitioner and, therefore, any action can be taken against the candidature of Rajopriya Goswami only after fulfilling the principles of natural justice either by I.B.P.S. or by Andhra Bank or by both.

14. Subject to the aforementioned, this application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Patna High Court
Dated the 7th April 2015
N.A.F.R./Rishi/-

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