

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10894 of 2008

=====

Rajesh Dwivedi @ Dwivedi, son of Shri Vishwanath Dwivedi, resident of village-
Dubawalia, P.S.-Bhorey, District-Gopalganj, presently residing at E-7-M, Punjab
Railway Colony, Alambagh, Lucknow (U.P.). Petitioner.

Versus

1. The State of Bihar.
 2. The Secretary, Department of Rural Development, Government of Bihar, Patna.
 3. The Dy. Secretary, Department of Rural Development, Government of Bihar,
Patna. Respondents.
- =====

Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey, Adv.

For the Respondents : Mr. Prasoon Sinha, GA-2.

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 27-04-2015

The petitioner has a degree of Master of Human Resource Management and Industrial Relation granted by the Lucknow University. He passed it in first division in the year 2003. It appears that in the year 2007, Government of Bihar in the Rural Development Department issued an advertisement for appointment on contract basis for a period of one year on the post of Programme Officer under the District Rural Development Agency. One of the eligibility conditions was that the person must possess a Master degree in Business

- 2 -



Administration. Petitioner applied. He qualified in the written test and he was called for the interview. After the interview, he was asked to submit his original credentials but, thereafter, he was not issued any selection or appointment letter. He later came to know that his degree of Master of Human Resource Management and Industrial Relation was not being treated equivalent to M.B.A. A clarification was sought for from the petitioner. The petitioner filed papers from the University showing that this course was a course in the stream of M.B.A. Petitioner also filed documents issued by the University to show that from the academic session 2005-06, the name of this course was changed to Master of Business Administration (Human Resource and Industrial Relation), still nothing happened.

Again during pendency of the writ petition, the petitioner received a communication from the Department dated 31.07.2008 asking him to submit details of the syllabus of the course, obviously to compare with regular M.B.A. course. Petitioner submitted but there was a silence.

Learned counsel for the petitioner states that there were large number of vacancies in the said post of Programme Officer which have not yet been filled up. He

- 3 -

submits that till recently appointments were made and as such petitioner may be granted the relief as sought for.

On the other hand, learned counsel for the State submits that the appointment itself was on contract for a period of one year. This was the advertisement when the selection process was started in the year 2007. We are in the year 2015. The Court would not issue futile writs.

Having considered the matter, in my view, whether a particular degree is equivalent to another is a question that has to be first decided at the level of the State. There may be many considerations therein. Once the State decides it in one way or the other then the Court may interfere to correct any wrong decision but, in the present case, subject to what the State may decide. Prima facie, the prayer of the petitioner for equivalence is not unfounded even the University itself changed the nomenclature. The course appears to be virtually an M.B.A. with special emphasis of Human Resource Management and Industrial Relation i.e. a specialization but that would not better from M.B.A. which is a master course in Business Administration. Accordingly, if the position is still available and the State intends to recruit and further the State takes a conscious decision granting equivalence, then it would

be open to the State to offer the work/job to the petitioner.
Petitioner may in this regard represent to the Principal
Secretary, Department of Rural Development, Government of
Bihar to consider the true aspects and pass appropriate orders
within one month.

With this observation, the writ petition stands
disposed of.

(Navaniti Prasad Singh, J.)

Trivedi/NAFR

U			
---	--	--	--