

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.4309 of 2011

1. Vidit Chandra Tandi, age 24 years, S/o Shri P. L. Tandi, R/o Near Income Tax Office, Bhatiya Nagar, Bilaspur, Tah & Distt. Bilaspur (CG)
2. Uttam Kumar Chandrakar, age 24 years, S/o Horilal Chandrakar, R/o Village & Post Khauli, Via Kharora, Tah. & Distt. Raipur (CG)
3. Deepak Kumar Bairagi, age 30 years, S/o Shri R.N. Bairagi, R/o Q.No.283/Hightech/III, P.O. Bacheli, Distt. Dantewada (CG)
4. Deepak Parganiha, age 22 years, S/o Shri Vijay Parganiha, R/o Village & Post Chhatoud, Via Baikundh, Distt. Raipur (CG)
5. Tikeshwar Prasad Painkra, age 24 years, S/o Shri Heera Sai Painkra, R/o Village Surajgarh, Post Ludeg, Tah. Pathalgaon, Distt. Jashpur (CG)
6. Kamlesh Kumar Bhargav, age 23 years, S/o Shri Ramcharan Bhargav, R/o Karmitikra, Th. Pathalgaon, Distt. Jashpur (CG) Pin - 496118
7. Anil Verma, age 24 years, S/o Shriujjain Singh Verma, R/o Civil Line Ward No.20, New Bus Stand, Dongargarh, Distt. Rajnandgaon
8. Kavita Banjare, age 24 years, D/o Mangal Sen Banjare, R/o Village Jora, Post Krishak Nagar, Raipur, Distt. Raipur (CG)
9. Ghanshyam Koreti, age 32 years, S/o Shri Ramesh Kumar Koreti, R/o Vejeta Complex (D-332), Telibandha, New Rajendra Nagar, Raipur (CG)
10. Prabhat Singh, age 23 years, S/o Shri Abhay Raj Singh, R/o LIG 2/7, Baradia Vihar, Amlidiha, Raipur (CG)
11. Purusottam Chandrakar, age 32 years, S/o Shri Horilal Chandrakar, R/o Village & Post Khauli, Via Kharora, Distt. Raipur (CG)

12. Divyanshu Kumar, age 23 years, S/o Shri S.K. Nagendra, R/o Sub Post Master Gurur, Distt. Durg (CG)
13. Mahesh Netam, age 26 years, S/o Late J. S. Netem, R/o H-522 Irrigation Colony, Shanti Nagar, Raipur (CG)
14. Sanjay Kumar Lehre, age 22 years, S/o Shri Devnath Lehre, R/o Bankimogra, Distt. Korba (CG)
15. Pankaj Uike, age 23 years, S/o Late Shri L.L. Uike, R/o P.O. Bhanupratapur, Distt. Kanker (CG)
16. Milind Tondon, age 28 years, S/o J.R. Tondon, R/o MIG 1/12, Pt. Ravishankar Shukla Nagar, Distt. Korba (CG)
17. Mahendra Bhardwaj, age 28 years, S/o R.N. Bhardwaj, R/o Vill. & Post Pachpedi, Block Masturi, Distt. Bilaspur (CG)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, Agriculture Department, D.K.S. Bhavan, Raipur, Distt. Raipur (C.G.)
2. Director, Agriculture, Directorate, Krishak Nagar, Labhandi, Raipur, Distt. Raipur (C.G.)
3. Joint Director, Agriculture, Shashtri Chowk, Behind Laxmi Medical, Natthani Building, Raipur, Tah. & Distt. Raipur (C.G.)

---- Respondents

For Petitioners: Mr. H.V. Sharma, Advocate.

For Respondents/State: Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/11/2015

1. "Equivalence of educational qualifications" claimed by the petitioners is a short question involved and to be decided

by this Court in this writ petition.

2. The petitioners are degree holders of B.Tech. (Dairy Technology). The respondent State has advertised the posts for appointment of Rural Agriculture Extension Officer. Appointment to the said post is governed by the Chhattisgarh Adhinasth Krishi Tritiya Shreni (Alipik Vargiya) Seva Bharti Niyam, 2010 in which the educational qualification prescribed for the said post is that the candidate must have passed B.Sc. (Agriculture) / B.Sc. (Horticulture) / B.Tech. (Agriculture Engineering). This writ petition has been filed by the petitioners stating inter alia that the qualification of B.Tech. (Dairy Technology), which they are holding, is equivalent to each of the qualifications i.e. B.Sc. (Agriculture) / B.Sc. (Horticulture) / B.Tech. (Agriculture Engineering) and, therefore, a writ of mandamus be issued to the State to consider the case of the petitioners at par with those qualifications, therefore the petitioners be held entitled to lay their candidature for the post of Rural Agriculture Extension Officer and an appropriate writ be issued accordingly.
3. Return has been filed by the State opposing the said prayer stating inter alia that the petitioners are simply degree holders of B.Tech. (Dairy Technology) and their

qualification is not in consonance with the requirement under the Recruitment Rules and the qualification possessed by the petitioners i.e. B.Tech. (Dairy Technology) is not the essential qualification as required for filling up of the post of Rural Agriculture Extension Officer. Since it is not an essential qualification, they are not eligible and, therefore, the petitioners are not entitled for writ of mandamus.

4. Mr. H.V. Sharma, learned counsel for the petitioners, would submit that degree of the petitioners i.e. B.Tech. (Dairy Technology) is equivalent to the degree and qualification required by the Rules and, therefore, they are entitled to be considered against the post of Rural Agriculture Extension Officer. Since the State has not considered / refused to accept their qualification to be equivalent to B.Sc. (Agriculture) / B.Sc. (Horticulture) / B.Tech. (Agriculture Engineering), an appropriate writ be issued to the State to consider their case holding them to have the equivalent qualification and issue a writ holding that the degree and qualification of B.Tech. (Dairy Technology) is equivalent to the above said qualifications.
5. Ms. Astha Shukla, learned Panel Lawyer appearing on behalf of the State/respondents, vehemently opposing the

prayer of the petitioners would submit that recruitment has to be made in accordance with the recruitment rules i.e. the Chhattisgarh Adhinasth Krishi Tritiya Shreni (Alipik Vargiya) Seva Bharti Niyam, 2010 enacted by the Government of Chhattisgarh in exercise of power conferred under the proviso to Article 309 of the Constitution of India in which essential qualification prescribed is passing of B.Sc. (Agriculture) / B.Sc. (Horticulture) / B.Tech. (Agriculture Engineering) from a recognized University which is a must. She would further submit that to declare a qualification to be equivalent to another qualification is not the domain of the Court and it should be left to the academicians to decide as to a particular degree is equivalent to another degree and, therefore, the writ petition deserves to be dismissed.

6. It is well settled law that equivalence of educational qualifications is not the domain and jurisdiction of this Court under Article 226 or 227 of the Constitution of India, it has to be done by the body of academicians or the expert body qualified for that job. This Court cannot consider and hold any such qualification to be equivalent to another qualification like in the present case, B.Tech. (Dairy Technology) is claimed to be equivalent to B.Sc. (Agriculture) / B.Sc. (Horticulture) / B.Tech. (Agriculture

Engineering) which has to be done by the body of academicians.

7. It would be suffice to observe that in umpteen number of cases the Supreme Court has observed that it is not within the scope of judicial review to draw equivalence of qualification. Drawing of equivalence of qualifications is essentially the job of experts of the field and it is not for the Court to enter into the arena of comparing two qualifications on certain parameters and then to declare equivalence.

8. In the matter of **University of Mysore v. C.D. Govinda Rao and another**¹, Their Lordships of the Supreme Court (Constitution Bench) have held that in the academic matters regarding equivalence of university degree the Courts will not express a definite opinion. Paragraph 12 of the report states as under:-

“12. Where one of the qualifications for the appointment to the post of a Reader in the University was that the applicant should possess a First or High Second Class Master’s Degree of an Indian University or an equivalent qualification of a foreign University, the candidate should possess a First Class Master’s Degree of an Indian University or High Second Class Master’s degree of an Indian University or qualification of a foreign university which is equivalent to a First Class or a High Second Class Master’s degree of an Indian University. Whether the foreign degree

1 A.I.R. 1965 SC 491

is equivalent to a High Second Class Master's degree of an Indian University is a question relating purely to an academic matter and courts would naturally hesitate to express a definite opinion, specially when the selection Board of experts considers a particular foreign university degree as so equivalent."

9. Way back, the Supreme Court (Constitution Bench) in the matter of **Mohammad Shujat Ali and others v. Union of India and others**², Their Lordships of the Supreme Court have held that question in regard to equivalence of educational qualification is a technical question based on proper assessment by holding as under:-

"13.It must be noted that the question in regard to equivalence of educational qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards and practical attainments of such qualifications and where the decision of the Government is based on the recommendation of an expert body which possesses the requisite knowledge, skill and expertise for adequately discharging such a function, the Court, uninformed of relevant data and unaided by the technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government. It is only where the decision of the Government is shown to be based on extraneous or irrelevant considerations or actuated by mala fides or irrational and perverse or manifestly wrong that the Court would reach out its lethal arm and strike down the decision of the Government....."

10. Similarly in the matter of **State of Rajasthan and others v.**

2 (1975) 3 SCC 76

Lata Arun³, Their Lordships of the Supreme Court have held that question of equivalence of qualification are the matters which falls within the realm of the policy decision to be taken by the state by holding as under:-

“13. From the ratio of the decisions noted above, it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority.”

11. In the matter of **Guru Nanak Dev university v. Sanjay**

Kumar Katwal and another⁴, Their Lordships of the Supreme Court have held in no uncertain terms that equivalence is a technical academic matter and decision on question of equivalence must be by specific order or resolution duly published by holding as under:-

“15.Equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. The first respondent has not been able to produce any document to show that the appellant University has recognised MA (English) (OUS) of Annamalai University through distance education as equivalent to MA of appellant University. Thus, it has to be held that the first respondent does not fulfil the eligibility criterion of the appellant University for admission to the three year law course.”

3 (2002) 6 SCC 252

4 (2009) 1 SCC 610

13. Applying the law laid down by Their Lordships of the Supreme Court in above-mentioned judgment. It is quite vivid that equivalence of the educational qualifications is the extremely technical matter to be decided by expert academic body having expertise in that regard and as such, this Court will keep itself away from expressing any final opinion in this regard drawing equivalence of educational qualification of B. Tech. (Dairy Technology) to that of B.Sc. (Agriculture, Horticulture) or with B. Tech. (Agriculture Engineering) leaving it to be decided by appropriate body having expertise in the field in an appropriate manner.

14. As a fallout and consequence of the above discussion, the writ petition deserves to be and is accordingly dismissed being sans merits. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge