NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4917 of 2014

1. Deepak Kumar Paswan S/o Anandi Paswan Aged About 26 years R/o Minors Colony At Vishrampur, Ps Surajpur, Distt Surajpur, Civil & Revenue Distt Surajpur, CG

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Agriculture Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Dist Raipur, CG

2. Director Agriculture Department, Raipur, Dist Raipur, CG

3. The Collector Surajpur, Dist Surajpur, CG

4. Project Director ATMA & Deputy Director Agriculture, Dist Surajpur, CG

5. Banwasi Prasad Yadav S/o Ramesh Chandra Yadav Manjusha Computer Institute, Ring Road, Namnakala, Ambikapur, Dist Surguja, CG

---- Respondent

For Petitioner Shri A.K. Prasad, Advocate
For Respondent/State Shri Bhaskar Payasi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

21/07/2015

Heard learned counsel for the parties.

1. Petitioner is aggrieved by the decision taken by the respondents cancelling the recruitment process for selection on the post of Computer Programmer.

2. Indisputably, the respondents issued the advertisement on 13-2-2014 for filling up the post of Computer Programmer mentioning that the candidates should have B. Tech./MCA and one year experience, however, the petitioner who was having B.E. Degree was considered for appointment.

3. When the recruiting agency invited claims and objections on the tentative select list, the respondent No.5 raised an objection that the petitioner is not having B.Tech. Degree, therefore, he is not eligible.

4. While considering the said objection, the respondents No.1 to 4 have taken the decision in the note sheet vide Annexure - P/1 holding that in view of the dispute about the petitioner's qualification the entire selection process is cancelled.

5. Learned counsel for the petitioner would draw attention of the Court to the representation Annexure – P/11 along with supporting documents issued by Shri Shankaracharya Technical Campus mentioning that the degree of B.E. is equivalent to the degree of B.Tech., to submit that the two degrees being equivalent petitioner should have been offered appointment.

6. It is settled law that 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. The matter of equivalence is decided by experts appointed by the Government, and the Court does not have expertise in such matters. (See: **State of Rajasthan and Others**[1] **v. Lata Arun** and **Basic Education Board, U.P. v. Upendra Rai and Others**[2]).

7. In the case at hand, it appears, on the complaint made by the respondent No.5, the respondents No.1 to 4 were in difficulty as to decide about the equivalence. Similarly, the advertisement did not mention that the candidates should possess either B.E. or B.Tech. Degree, therefore, if equivalence is drawn at a subsequent point of time it would be an arbitrary decision because many other candidates who were having B.E. Degree might not have applied for the post thinking that since they do not possess B.Tech. Degree they are not eligible to apply.

8. It is settled law that the recruiting agency is bound by the qualification prescribed in the advertisement and any other qualification not mentioned in the advertisement should not be considered, as it will amount to changing the rules after issuance of the advertisement. (See: **Tej Prakash Pathak and Others v. Rajasthan High Court and Others**[3] and **Bishnu Biswas and Others v. Union of India and Others**[4]).

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1 2002 AIR SCW 2966
2 (2008) 3 SCC 432
3 (2013) 4 SCC 540
4 (2014) 5 SCC 774

9. For the foregoing, the decision taken by the respondent authorities for canceling the recruitment process does not suffer from any illegality or arbitrariness.

10. Ex-consequenti, the writ petition, *sans* merit, is liable to be and is hereby dismissed, leaving the parties to bear their own costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri