

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 2992 OF 2015

- Sudhir Dewangan, son of Raju Dewangan, aged about 23 years, resident of Md. Bashir Khan Ward, Mungeli, District Mungeli (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Technical Education, Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (C.G.)
2. Director, Technical Education, Raipur, District Raipur (C.G.)
3. Secretary, Public Service Commission, Raipur, Shankar Nagar, Raipur, District Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. C.J.K. Rao, Advocate.
For Respondents 1 & 2	:	Mr. B. Gopa Kumar, Dy. Advocate General.
For Respondent 3	:	Mr. Ashish Shrivastava, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per NAVIN SINHA, C.J.

14/09/2015

1. The Respondent published an advertisement inter-alia for the post of Lecturer in Polytechnic Institute for appointment under the Chhattisgarh Technical Education (Gazetted) Service Recruitment Rules, 1990 (hereinafter referred to as "the Rules") in the discipline of Electrical Engineering. The Petitioner who holds a degree in Electrical and Electronics Engineering applied for the same and is aggrieved by non-consideration of his candidature including for the reason that according to the Respondents he was not a First Class degree holder.
2. Learned Counsel for the Petitioner submits that he has completed his studies in Electrical and Electronics Engineering from Birla Institute of Technology and Science, Pilani (Rajasthan) having secured 6.76

CGPA which according to the grading fixed by the Respondents amounts to approximately 67% bringing him in the "First Division". In accordance with the grading given by the Birla Institute of Technology and Science, he was however qualified as a Second Division degree holder. The Respondents are therefore not justified in denying him consideration on the ground that he is a Second Class degree holder.

3. Learned Counsel for the State submits that the eligibility for the discipline advertised was Electrical Engineering and not a degree in Electrical and Electronics Engineering. He submits that the two are different nomenclature of courses. The disciplines being different, the nature of studies and knowledge imparted, course content, all have necessarily to be different and the Petitioner cannot insist that because he holds a degree in Electrical and Electronics Engineering he is also eligible to be considered. In view of the basic ineligibility, the question whether on basis of equivalence he can claim parity on basis of CGPA to be a First Divisioner in the State of Chhattisgarh is an irrelevant issue in the facts of the present case.

4. We have considered the submissions on behalf of the parties and find substance in the submission of the Respondents that the discipline advertised for the post was only Electrical Engineering. The Petitioner holds degree in Electrical and Electronics Engineering. We are in agreement with the submission on behalf of the State Counsel that the nomenclature of the two courses being different there has to be difference in the nature of study and knowledge imparted in the two disciplines, course content, qualifications acquired etc. It is not open for the Court in academic matters to declare equivalence of courses as may have been advertised by the employer. In that view of the matter,

we are not satisfied to entertain this writ petition on the admitted facts. The subsequent question with regard to equivalence that CGPA marks of the Petitioner is First Division under the Rules therefore becomes an academic exercise at this stage.

5. At this stage, learned Counsel for the Petitioner submits that he proposes to represent before the State authorities both on the issue of equivalence of the educational qualification and parity for marks.

6. These being matters within the domain of the executive powers of the Respondents, we make no observations with regard to the same and leave it open for the Petitioner to represent if he so desires.

7. The writ petition is disposed of with the aforesaid observations.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge