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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3571 of 2015**

- Swapnil Sinha S/o Bhuwan Sinha, Aged About 28 Years R/o Ward No. 17, Village Chikhlakasa, Post Dallirajhara, Tahsil Doundi, District Balod, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Technical Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. The Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur, (Chhattisgarh)
3. The University Grant Commission, Through The Secretary, Bahadur Shah Zafar Marg, New Delhi 110002
4. The Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through Its Registrar, Bhilai, District Durg, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri PK Patel, Advocate
For Respondent No.2	:	Shri Ashish Shrivastava, Advocate
For Respondent No.3	:	Shri Sachin Singh Rajput, Advocate
For Respondent No.4	:	Shri Rajeev Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/10/2015**

1. Petitioner has submitted his application to participate in the recruitment of Assistant Professor (Engineering Colleges) in the subject of Electronics and Telecommunication. For the said recruitment the Chhattisgarh Public Service Commission (for short 'the PSC') has issued advertisement on 15-7-2015 (Annexure P-1). One of the eligibility qualification in respect of the qualifying examination is that in the said qualifying graduation

examination, the candidate should have secured first division marks.

2. It is the contention of the petitioner that the petitioner has secured 63.6% marks in the B.E. Examination conducted by respondent No.4 Chhattisgarh Swami Vivekanand Technical University, Bhilai. Since the said institution awards first division only when a candidate secures 65% and above marks, the petitioner has become ineligible to compete in the recruitment. It is thus argued that the PSC should have mentioned the minimum percentage of marks to be secured by a candidate in the graduation examination rather than mentioning first division, because in different institutions different percentage of marks is treated as first division.
3. Having heard learned counsel for the parties, it would appear to this Court that the question as to what percentage of marks is to be secured by a student for awarding first division is a subject to be decided by the concerned educational institution, which is an expert body. Depending upon the percentage fixed for awarding divisions, the concerned educational institution may suitably conduct its own examination keeping in view the said benchmark and this Court has no jurisdiction to interfere in the said decision of the educational institution. Likewise, issuance of mandamus against the PSC to bind them to mention the percentage of marks to be obtained in the qualifying examination rather than a particular division, is also a policy decision of the PSC concerning the recruitment. Writ court should not interfere in such decisions of the recruiting agency unless the decision is outrageously arbitrary and defies logic and commonsense.
4. 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 v. Lata Arun¹ and Basic Education Board, U.P. v. Upendra Rai and Others²**).

5. It has also been held by the Supreme Court that ordinarily writ Court should not interfere with the decision of the academic institutions. (See: **Basavaiah (Dr.) Vs. Dr. H.L. Ramesh and Others³** and **Guru Nanak Dev University Vs. Sanjay Kumar Katwal and Another⁴**). It is equally settled that Court should not interfere with the terms of advertisement issued by the recruiting agency.
6. For the aforementioned reasons, this writ petition has no substance. It deserves to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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1 2002 AIR SCW 2966

2 (2008) 3 SCC 432

3 (2010) 8 SCC 372

4 (2009) 1 SCC 610