

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

W.P.(C).No.35171 of 2015 (V)

PETITIONER(S):-

1. ALIDA C.K., D/O.C.V.KUTTAPPAN,
HIMASAILAM (H), THALAYAZHAM P.O., KOTTAYAM 686 607.
2. ABHIRAMI M. JAYKUMAR, D/O.P.K.JAYAKUMAR,
ARAMAM, SOUTH VAZHAKULAM P.O., ERNAKULAM - 683 105.
3. JILNA JOY, D/O.JOY K.L.,
KAVALAKKAT HOUSE, P.O.KARANCHIRA,
THRISSUR 680702.
4. KIRAN MOHAN, S/O.MOHANAN NAIR C.K.,
ARUN NIVAS, MALLAPPALLY (W) P.O. PATHANAMTHITTA -689 585.
5. AJAISANKER K., S/O.K.SAMBASIVAN,
KUMBALATHIL HOUSE,
MULAKULAM (N) P.O., PIRAVOM, ERNAKULAM - 686 664.
6. SYAMLI M.S., D/O.A.V.MANOJ,
HIMASYLAM, PRANAVAM NAGAR,
MANNUTHY P.O., THRISSUR - 680 651.
7. ABHIJITH R., S/O.N.RAMACHANDRAN,
ORAPPARACKAL (H), NECHIPUZHOOOR P.O., PALA - 686 974.
8. VISHNU SATHEESAN, S/O. S.SATHEESAN,
VISHNU NIVAS (H), KANAYANNUR P.O.,
CHOTTANIKKARA, ERNAKULAM DIST.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S):-

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF FINANCE,
DEPARTMENT OF FINANCIAL SERVICES (FS), 3RD FLOOR,
JEEVAN DEEP BUILDING, SANSAD MARG, NEW DELHI -110 001.
2. THE DIRECTOR,
INSTITUTE OF BANKING PERSONNEL SELECTION, IBPS HOUSE,
90 FEET, D.P.ROAD, NEAR THAKUR POLYTECHNIC,
OFF. WESTERN EXPRESS HIGHWAY, P.B.NO.8587,
KANDIVALI (E), MUMBAI-400 101.
3. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE RESEARCH & EDUCATION,
GOVERNMENT OF INDIA, NEW DELHI.
4. THE INDIAN COUNCIL OF AGRICULTURE RESEARCH
(AGRICULTURAL, EDUCATION DIVISION)
KRISHI ANUSANDHAN BHAVAN-II,
PUSA, NEW DELHI,
REPRESENTED BY MEMBER SECRETARY/OFFICER-IN-CHARGE,
INDIAN COUNCIL OF AGRICULTURE RESEARCH,
NEW DELHI -110 012.

R1 & R3 BY CENTRAL GOVERNMENT COUNSEL SRI.P.K.RAMKUMAR.

R BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

R2 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR

SRI.P.GOPINATH

SRI.P.BENNY THOMAS

SRI.K.JOHN MATHAI

SRI.JOSON MANAVALAN

SRI.KURRYAN THOMAS

SRI.NAVOD PRASANNAN PATTALI.

R4 BY STANDING COUNSEL SRI.VIVEK VARGHESE P.J.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPIES OF THE PROVISIONAL CERTIFICATES ISSUED TO THE PETITIONERS BY THE KERALA AGRICULTURAL UNIVERSITY.
- EXT.P2 - TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE OFFICIAL WEBSITE.
- EXT.P3 - TRUE COPY OF THE REPLY DATED 11.12.2014 UNDER RTI ACT.
- EXT.P4 - TRUE COPY OF THE RELEVANT PAGES OF PREVIOUS NOTIFICATIONS.
- EXT.P5 - TRUE COPY OF THE LETTER DATED 24.3.2015.
- EXT.P6 - TRUE COPY OF THE LETTER ISSUED BY THE DEAN, KERALA AGRICULTURAL UNIVERSITIES.
- EXT.P7 - TRUE COPY OF THE LETTER DATED 28.2.2015.
- EXT.P8 - TRUE COPY OF THE MINUTES/RECORDS OF THE MEETING ON 21.10.2015.
- EXT.P9 - TRUE COPY OF THE LETTER DATED 2.11.2015.
- EXT.P10 - TRUE COPY OF THE OFFICE MEMORANDUM DT. 18.11.2015.

RESPONDENT(S)' EXHIBITS/ANNEXURE:-

- ANNEXURE R2(a) TRUE COPY OF THE CLARIFICATION LETTER RECEIVED FROM THE UNDER SECRETARY TO GOVT. OF INDIA, MINISTRY OF AGRICULTURE, DEPARTMENT OF AGRICULTURE & CO-OPERATION (POLICY DIVISION) BEARING F.NO.02-02-2013-POLICY DTATED 27.09.13.

K. Vinod Chandran, J

W.P.(C).No.35171 of 2015-V

Dated this the 01st day of December, 2015

JUDGMENT

The petitioners are B.Sc. (Forestry) graduates, who seeks consideration under Exhibit P2 notification. Admittedly Exhibit P2 notification permits Agro Forestry graduates who have completed their degree course of four year duration to be qualified to be appointed as Agricultural Field Officer, while the Forestry graduates have not been included. The petitioners' contention essentially is that there is no degree in "Agro-Forestry" granted by any of the Universities in India and the same is even accepted by the 2nd respondent, Institute of Banking Personnel Selection, as is evidenced at Exhibit P9. The petitioners also rely on Exhibit P10 to contend that the Ministry of Agriculture & Farmers Welfare had sought for amendment to include the four year degree programme of B.Sc (Forestry) in place of B.Sc. (Agro-Forestry) besides other qualifications.

2. Essentially it is to be noticed that the same is a policy decision, which has to emanate from the respective

Ministry of the Government under which public sector banks are functioning. The 2nd respondent, Institute, has filed a statement, wherein the Ministry of Agriculture has dealt with the definition of “Agriculture and Allied Activities” as per Annexure R2(a), the Annexure of which is extracted hereunder:

- “1. i) Agriculture and allied sector, is defined as the occupation and field of knowledge concerned with cultivating land, raising of crops, production of crops, harvesting, breeding and raising of livestock, fishery and production of livestock, poultry and fish.

 ii) On the other hand, biotechnology is an independent evolving science; food - processing is an offshoot activity of agriculture; while agricultural marketing is an integral part of agricultural development.

 iii) The Bio-Technology, Home Science, Food Processing and Forestry may not be treated as requisite qualifications for the recruitment of Agriculture Field Officers under the Banking Sector. However, the qualifications, viz., Agro-Forestry and Horticulture may be included in the recruitment rule for A.F.O. besides the qualification of Dairying, Fisheries and Agriculture Engineering.
2. i) The Institute of Banking Personnel Selection need to take a view on activities to be funded and promoted in which they would like the candidates perform rather than getting guided by the definition of agriculture and allied sector which is evolving in nature”.

The aforesaid clarification shows that “Agriculture” and “Forestry” are dealt with as two subjects by the Ministry of Agriculture and only Agro-Forestry and Horticulture was directed to be included in the eligibility zone for recruitment of Agricultural Field Officers in public sector banks. The policy decision cannot be said to be arbitrary, since Agriculture and Forestry are two different courses of study, with the subtle distinction insofar as the former being involved in raising utility crops and the latter in the field of preservation of forests and wildlife. No objection could also be taken with respect to such distinction drawn, considering the post to which the appointment is to be made. Agricultural Field Officers in public sector banks are expected to assess the potential for agricultural crops, essentially for the purpose of advancing loans, which a Forestry graduate may not be equipped to assess. This Court, hence, reiterates that there could be no arbitrariness found, as presently advised, on the distinction made; but, however, the matter being a policy decision, definitely there could be a review conducted and till such review has been conducted, this Court would not be in a position to direct a consideration against the

specific policy and the notification.

3. However, it is to be noticed that the Agricultural Ministry has taken a different stand as per Exhibit P10. The Agricultural Ministry as per Annexure R2(a) has recommended that B.Sc. (Forestry) also be included for appointment as Agricultural Field Officers. However, the decision has to emanate from the Ministry concerned, being the Ministry of Finance which is having control of the public sector banks. Exhibit P9 also does not indicate that the 2nd respondent had recommended inclusion of Forestry in the notification. Exhibit P9 is only to the effect that since there is no course called “Agro-Forestry”, the same could be deleted. However, the same was retained only taking into account the various Court cases pending, presumably with respect to equation of “Forestry” with “Agriculture”.

4. As found by this Court since the policy decision has to emanate from the Ministry, till such decision comes forth, this Court is unable to agree with the contention of the petitioners that the petitioners would also be entitled to be considered for appointment to the post of Agricultural Field

Officer in public sector banks, especially since it is found that Annexure R2(a) is not arbitrary.

The writ petition, hence, would stand dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

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