

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 969 OF 2017

1. Chandresh Kumar Dhruv S/o Shri Bhagwan Singh Dhruv, Aged About 28 Years Sundaram Boys Hostel, Agricultural College, Post & Tehsil Raipur, District Raipur (Chhattisgarh).
2. Vijay Kumar Patel S/o Shri Dular Singh Patel, Aged About 27 Years Sundaram Boys Hostel, Agricultural College, Post & Tehsil Raipur, District Raipur (Chhattisgarh).
3. Sandeep Patel S/o Shri Ramesh Lal Patel, Aged About 26 Years Sundaram Boys Hostel, Agricultural College, Post & Tehsil Raipur, District Raipur (Chhattisgarh).
4. Homendra Shivana S/o Shri Ratan Singh Shivana, Aged About 26 Years Sundaram Boys Hostel, Agricultural College, Post & Tehsil Raipur, District Raipur (Chhattisgarh).

... Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Agriculture, Department Mantralaya, Mahanadi Bhawan, Naya Raipur Tehsil & District Raipur (Chhattisgarh).
2. Director, Directorate Of Agriculture Department, Indrawati Bhawan Raipur, District Raipur (Chhattisgarh).

... Respondents

For Petitioners	:	Mr. D.C. Verma and Mr. Anup Majumdar, Advocate.
For Respondents	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/03/2017

1. The present petition has been filed seeking for a direction to the Respondents for quashment of advertisement dated 9.2.2017 (Annexure P-1). The ground for challenge to the advertisement is that the Petitioners having the qualification of M.Sc. Agricultural Statistics are eligible to participate in the selection process initiated for filling up the posts of Assistant Statistical Officer.
2. Learned Counsel for the Petitioner submits that the Petitioners are in fact most suitable persons for such post which has been advertised. He further submits that the subjects which have been studied by the Petitioners in the post graduation, it was mostly on statistics and as such the Petitioners would be the most suitable persons for the post advertised. Therefore, they may be

permitted to participate in the selection process for filling up the post of Assistant Statistical Officer.

3. On the other hand, learned Counsel for the State opposes the petition and submits that M.Sc. Agricultural Statistics i.e. the qualification for the aforesaid Petitioners cannot be equated to the qualification of post graduation in Statistics which is the requirement under the advertisement. Further the degree of the Petitioners also is not in Maths subject but is of B.Sc. (Agriculture). As such the Petitioners do not have the specific required education as per the advertisement. Therefore, they cannot be permitted to participate in the selection process.

4. Learned Counsel for the Petitioners refers to paragraph 20 of the judgment of the Apex Court in **B. Amrutha Lakshmi v. State of Andhra Pradesh & Others**, reported in **2013 (16) SCC 440**, and submits that the Petitioners should also be permitted to participate in the selection process treating them to be suitable. However, the aforesaid paragraph relied upon by the Petitioners goes against the claim made by them. Paragraph 20 clearly holds that if the rules for selection contains a requirement, the same has to be applied uniformly and strictly. In the Rules governing the field, the required educational qualification for the post of Assistant Statistical Officer is graduation in Maths subject with least second class or post graduation in Statistics. If we peruse the advertisement and compare the eligibility criteria prescribed under the Rules with the criteria prescribed under the advertisement, there cannot be said to be any violation made by the Respondents while publishing the advertisement and therefore, this Court has no hesitation in reaching to the conclusion that advertisement has been published purely in accordance to the rules framed by the Government.

5. So far as the Petitioners who claim to be the most suitable candidates in spite of not having Degree in Maths or post graduation in Statistics which is the required qualification, their candidature cannot be considered unless the rules are amended as has been amended by other States like Rajasthan and Gujarat.

6. Unless the Rules are amended, this Court in writ jurisdiction under Article 226 of the Constitution of India would not have sufficient power to direct the Respondents permitting the Petitioners to participate in the process of selection. At this juncture it is submitted by the Learned Counsel for the Petitioners that the Petitioners have made representations to the Respondents on various occasions which are still pending consideration.

7. Accordingly, the writ petition is disposed of, with a direction to the Respondents to consider the qualification of the Petitioners in respect of their suitability of the post advertised and to consider whether the rules require suitable amendment or not and if they feel it is required the same may be done at the earliest keeping in view the advertisement published by them. The Petitioners shall also be at liberty to file a representation afresh also.

Sd/-
(P. Sam Koshy)
Judge