

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1219 OF 2017

1. Kamlesh Kumar Singh S/o Bir Singh Jagat, Aged About 28 Years R/o Krishak Nagar, Raipur, District Raipur, (Chhattisgarh)
2. Bhupendra Sahu, S/o Lekhraj Sahu, Aged About 24 Years R/o Krishak Nagar, Raipur, District Raipur, (Chhattisgarh)
3. Pushpraj Diwan, S/o Sukhdev Prasad Diwan, Aged About 22 Years R/o Krishak Nagar, Raipur, District Raipur (Chhattisgarh)
4. Ravishankar, S/o Krishna Kumar, Aged About 24 Years R/o Krishak Nagar, Raipur, District Raipur (Chhattisgarh)
5. Jeet Raj, S/o Jeevan Lal, Aged About 23 Years R/o Krishak Nagar, Raipur, District Raipur (Chhattisgarh)

... Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Agriculture Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil Aarang, Naya Raipur, District Raipur, (Chhattisgarh)
2. Director, Agriculture, Indrawati Bhawan, P.S. Rakhi, Tahsil Aarang, Naya Raipur, District Raipur (Chhattisgarh)
3. Deputy Director, Agriculture (Estd), Labandi, Raipur, District Raipur, (Chhattisgarh)

... Respondents

For Petitioners	:	Mr. C.J.K. Rao, Advocate.
For Respondent-State	:	Mr. S.P. Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/03/2017

1. Grievance of the Petitioners in the present writ petition is the advertisement dated 2.3.2017 (Annexure P-1). The said advertisement is for filling up of the post of Surveyor. The minimum qualification prescribed is Higher Secondary (10+2) with Diploma in Surveyor from any recognized I.T.I. Institute.
2. Contention of the Counsel for the Petitioners is that the Petitioners are B. Tech in Agriculture and they are better qualified for the post which has been advertised. However, since they do not have the qualification as prescribed under the advertisement as well as in the rules, they are ineligible for participating in the selection process. He further submits that the Petitioners

are better qualified and have also studied the said subject in their course also, but for want of qualification in the rules their candidature would not be considered.

3. So far as determining the minimum eligibility criteria for a post is concerned, the said subject is exclusively within the domain of the State Government. The Writ Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India cannot and would not be in a position to decide as to what should be minimum eligibility criteria or the qualification to be prescribed for a particular post.

4. The rules of recruitment are framed in exercise of power conferred upon the State Government under the Proviso to Article 309 of the Constitution of the India. The same cannot be impeached as a matter of routine, on the ground of it being tailor made to suit certain individuals. It would be just for the Petitioners to approach the State Government in this regard by moving an appropriate representation for bringing these facts to the notice of the law makers so that in the event if the law makers feel that the claim of the Petitioners is justified then it is for them to take suitable action in this regard by making appropriate amendments in the recruitment rules.

5. The High Court cannot enter into nor can undertake the responsibility of regulating the prescription of qualifications and standards required for a particular post. Moreover, it is the rule making authorities or the legislature to regulate the method, mode and qualification of the recruitment. It is not the province of the Court more particularly, the High Court to trench into and prescribe the qualification for a post. As the subject matter is a technical subject it would be the technical experts in the department, who shall be the more appropriate authority to decide as to what should be the minimum educational qualification and whether the qualification which the Petitioners possess also can be taken into consideration as a qualification for the post

advertised by making suitable amendments both in the rules as well as in the advertisement.

6. Counsel for the Petitioners also submits that the State of Madhya Pradesh in identical Rules have already brought in suitable amendment, by which the qualification which the present Petitioners have, has also been incorporated as one of the qualifications for the post of Surveyor.

7. This aspect may also be brought in to the notice of the State Government by the Petitioners.

8. This Court in exercise of writ jurisdiction is not inclined to entertain the petition. The writ petition is being disposed of, with a direction to the Petitioners to make suitable representation to the State Government in this regard supporting with all their relevant documents.

9. With the aforesaid observation, the present writ petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
JUDGE