

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 923 of 2017

1. Ghananand Sahu S/o Daman Lal Sahu, Aged About 27 Years R/o Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
2. Dushyant Kaushik, S/o Pawan Kumar, Aged About 25 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
3. Pradeep Kumar Ganjeer, S/o Arun Kumar Ganjeer, Aged About 25 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
4. Vaibhav Mishra, S/o Chandrashekhar Mishra, Aged About 25 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
5. Neelam Gautam, D/o Krishna Kumar Gautam, Aged About 25 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
6. Anuradha Sahu, D/o Loknath Sahu, Aged About 25 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
7. Durgesh Sagar, S/o Late Govind Sagar, Aged About 28 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
8. Shobnam Rita Tirki, D/o Sundar Lal Tirki, Aged About 25 Years R/o Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
9. Aman Shrivastava, S/o Shiv Prasad Shrivastava, Aged About 25 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
10. Vikas Sahu, S/o Santosh Kumar, Aged About 24 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
11. Uttam Tamrkar, S/o T. L. Tamrkar, Aged About 31 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
12. Aakrishti Sharma, D/o Ashwani Sharma, Aged About 27 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
13. Versha Verma, D/o Vishali Verma, Aged About 27 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
14. Komal Chawla, D/o Ranjeet Chawla, Aged About 24 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
15. Alka Sahu, D/o Hemlal Sahu, Aged About 24 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
16. Rajendra Chandrawanshi, S/o Sheshram Chandrawanshi, Aged About 25 Years Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Agriculture, Mantralay, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Indira Gandhi Krishi Vishwavidyalaya, Krishank Nagar, Jora, Raipur (Chhattisgarh)
3. The Directorate Of Agriculture, Secretariat, Indrawati Bhawan, Naya Raipur (Chhattisgarh)
4. The Controller Chhattisgarh Professional Examination Board (V Y A P A M), Chhattisgarh Madhyamik Shisha Campus, Pensionbada, Raipur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Anjinesh Shukla, Advocate
For Respondents 1 & 3/State	:	Shri Adhiraj Surana, Dy. Govt. Advocate
For Respondent No.2	:	Shri S.S. Baghel, Advocate
For Respondent No.4	:	Shri Animesh Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22.02.2017**

Heard.

1. The present petition has been filed seeking for a direction to the respondents for quashment of advertisement dated 09.02.2017 (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 as well as other respondents have opposed the petition and submit 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 petitioner 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 para 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 petitioner should also be permitted to participate in the selection process treating them to be suitable. However, the aforesaid para relied upon by the petitioners goes against the claim made by them. Para 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 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 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.

Certified copy today.

Sd/-
(P. Sam Koshy)
JUDGE