

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11478 of 2018

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1. Sheo Shankar Kumar, Son of Late Narendra Pandit, Resident of Village-Daud Nagar, P.S. Daud Nagar, District-Aurangabad.
 2. Mantosh Kumar, Son of Arjun Choudhary, Resident of Village-Dariyapur, P.O. and P.S. Hathidah, District-Patna.
 3. Niraj Kumar, Son of Uday Narayan, Resident of Village-Karman Tola, P.S. Nawada, District-Bhojpur at Ara.
 4. Rakesh Priyadarshi, Son of Ramdeo Prasad, Resident of Village-Ander Killa, P.O. Tekari, P.S. Tekari, District-gaya.
 5. Avinash Kumar, Son of Kumar Shankar Prasad, Resident of Village-Bikrampur, P.S. Fatuha, District-Patna.
 6. Pradeep Kumar, Son of Gokul Singh. Resident of Village-Umarpur, P.S. Hasanpur, District-Amroha (U.P.),
 7. Avinash KUMAR, Son of Shiv Prasad, Resident of Village-Rampur Dayal, P.S. Rampur Dayal, District-Muzaffarpur.
 8. Krishna Murari, Son of Baleshwar Kumar, Resident of Village-Pidhauli, Tole-Amjadpur Bitholi, P.S. Teghra, District-Begusarai.
 9. Md. Rabban Hussain, Son of Mohammad Raza Hussain, Resident of Quarter No. C/21, Budha Marg, Opposite Intermediate Council, P.O.-G.P.O., P.S. Kotwali, Patna, District-Patna.
 10. Ashutosh Kumar, Son of Ram Ekwil Baitha, Resident of Village-Simri Gopal, P.S. Belhua, Pusa, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Agriculture department, Government of Bihar, Patna.
4. The Director (Agriculture), Agriculture Department, Government of Bihar, Patna.
5. Bihar Staff Selection Commission through its Chairman, Patna.
6. The Secretary, Bihar Staff Selection Commission, Veterinary College Compound, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Adv. Mr. Sanjeeb Kumar Sanju, Adv.
For the Respondent/s	:	Ms. Alka Verma, Adv.
For the BSSC	:	Mr. Satyabir Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 17-12-2018

Heard learned counsel for the parties.



In this case, the petitioners are seeking relief for directing the respondents to accept the Agriculture Bio Tech degree holder as equivalent to B.Sc. (Agriculture) and further sought a relief to include B. Tech (Biotechnology) degree from Agriculture University in the eligibility qualification in various advertisements being made by the Department of Agriculture, Government of Bihar for the purpose of Agriculture Co-ordinator, Subject Matter Specialist (SMS), Assistant Technical Manager (ATM), Block Technical Manager (BTM) etc. and an interlocutory application, I.A. No. 9410 of 2018 has been filed requesting this Court to issue a direction to the State authorities to include the B.Tech Degree holders in the eligibility criteria for appointment of Block Technology Manager (A.T.M.), Agriculture Coordinator in the Agriculture Department, Government of Bihar.

The petitioners have done the four years degree course in Biotechnology in the session 2006-10 from Rajendra Agriculture University, Pusa, Samastipur (Now Central University). In each subject, there were nearly 30 seats on which the students called upon for competitive test in Bihar Combined Entrance Competitive Examination were admitted. The Rajendra Agriculture University has fixed 15% seats on the basis of result of All India Entrance Examination for agriculture and also included



in the list of University under ICAR for admission to the Bachelor Degree Programme in the Agriculture University.

The plea has been taken by the petitioners that the admission is taken in this field of Technology from the top in the merit list. So, the cream of the students, they pursue the study in the aforesaid subject, is a new field in the Agriculture Science. As per petitioners, they have completed the four years course, so they are equivalent to the B.Sc. Agriculture and subject was included after the approval of the State Government, the State Government ought to have recognized this field of the study as a proper qualification in the field of Agriculture but, even after the request made by the Vice Chancellor of the Agriculture University dated 1.11.2014 (Annexure-4) and the letter dated 30.5.2015 whereby the Vice Chancellor of the Rajendra Agriculture University has stated that the B.Tech (Biotechnology) is a new subject and it is equivalent to the B. Tech Agriculture, they require protection in the manner of providing opportunity for an avenue to be selected on different posts in the Agriculture Department.

Learned counsel for the petitioners has pointed out that when the Vice Chancellor of Rajendra Agriculture University vide letter dated 1.11.2014 has drawn attention of the Secretary to make Biotechnology as equivalent to Agriculture Degree Course



whereupon the Joint Secretary of the Government of Bihar vide letter dated 9.4.2015 asked the Vice Chancellor to show how the degree of B.Sc. Agriculture and B. Technology (Biotechnology) are equivalent to each other but, the final outcome has not been brought before this Court for consideration.

Determination of equivalence of two qualifications is specialized area meant for educationists and those who are engaged in the educational field and, therefore, the fixation of qualification and its equivalence is the area where the executive has to fix as to whether particular course of degree is equivalent to another degree and this Court has no expertise to conduct an enquiry and to hold that this qualification is equivalent to another qualification. The judicial review has its own limitation, the determination of equivalence of two degrees can only be looked into by the experts in that field. The Court does not carry any expertise in the area to examine the equivalence of the two degrees and ask the State authority to recognize the degree equivalent to others as already the advertisement for Department of Block Development Manager and Agriculture Coordinator in the Agriculture Department has been advertised which has compelled the petitioners to approach this Court. The assessment of qualification can be done by those who are involved in the



educational field and, with their help, the Government can decide the equivalence of the two degrees.

In that view of the matter, this Court requests the Principal Secretary, Education Department to examine this issue as to whether B. Tech (Biotechnology) four years course is equivalent to B. Sc. Agriculture.

As learned counsel for the petitioners has drawn attention of this Court towards the recommendation made by the Vice Chancellor for including this qualification as also two letters vide dated 6.11.2017 of the Ministry of Agriculture and Farmers Welfare Department of Agriculture and another letter dated 13.11.2017 issued from the same Department, in that view of the matter, the Principal Secretary will take the help from the educationists engaged in agriculture study in different Agriculture Universities and arrive to a final decision as to whether the B. Tech (Biotechnology) is equivalent to the B. Tech Agriculture for the purpose of their recruitment in different posts of the Agriculture Department of the Government of Bihar.

It is expected that the Principal Secretary would collect the data from different Agriculture Universities including other persons working in that field and will take a decision within a



period of four months from the date of receipt/production of a copy of this order.

As it appears that the issue of recognizing the qualification is persuaded by the different players but, the Government of Bihar is not taking any concrete decision in this regard, it is requested that they will take a decision within the aforesaid period of four months.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2019
Transmission Date	

