

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2058 of 2018

Narottam Pradhan S/o Shri Shouki Lal Pradhan, aged about 41 years,
R/o village and Post Lukapara, Tahsil Baramkela, P.S. Sariya, District
Raigarh (C.G.).

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Rural Industries & Economic and Statistics Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.).
2. Joint Director, Direcotrate, Rural Industries & Economic and Statistics Development Department, Indrawati Bhawan, New Raipur, District Raipur (C.G.).

---Respondents

For petitioner	:	Shri Shikhar Sharma, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/05/2018

1. The present Writ Petition has been filed seeking direction to the respondents in respect of quashing the advertisement – Annexure-P/1 dated 02/01/2018 and to further issue instructions to the respondents to grant preferential/priority treatment to the petitioner on account of the specialized educational course that he has in his possession.
2. The facts of the case in brief is that, the advertisement has been published for filling up the post of 'Field Officer' and 'Junior Ration Inspector'. The qualification prescribed in the advertisement is B.Sc. (Bio/Agricultural

Science). The petitioner in the instant case is a student who has done his graduation in B.Sc. (Bio) with Sericulture as a specialized subject.

3. The counsel for the petitioner submits that, the qualification that he has in his possession would be the best suited which would be required for the post which has been advertised and therefore the advertisement needs to be quashed and an appropriate direction be given to the respondents for filling up of the vacancies with people having degree with a specialized subject of Sericulture.

4. So far as the Writ Court is concerned, all that it has to scrutinize is whether the advertisement which has been issued is in accordance with the service regulations governing the field or not.

5. In the instant case, it is nobody's case that the advertisement is not in accordance with the service regulations and the rules framed therein.

6. So far as granting preferential treatment or priority to the petitioner for his specialized educational qualification is concerned, the same is only within the domain of the State Government who can change the rules as per the specialized courses available in today's time or amend the Act or Rules accordingly.

7. This Court in exercise of its Writ jurisdiction under Article 226 of the Constitution of India would only scrutinize the grievance of the petitioner to the extent whether the advertisement is contrary to the rules or not?

8. So far as the amendment to be brought in the rules are concerned, it is not within the power and jurisdiction of this Court under the scope of judicial review.

9. The only relief available to the petitioner is to approach the authorities in the department seeking for amendment in the rules so that in the light of the changed educational system wherein those specialized courses available in the field of Sericulture could also be considered by the authorities concerned for the recruitments to be made in the field of Sericulture.

10. Given the aforesaid facts and circumstances of the case this Court does not find any strong case to have been made out by the counsel for the petitioner calling for an interference with the advertisement.

11. Thus, reserving the right of the petitioner to approach the authorities in the department for redressal of his grievance, the present Writ Petition in its present form stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE