

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3663 of 2018**

1. Shiv Mangal Shukla S/o Shri Keshav Shukla, Aged About 34 Years R/o Patrkar Colony Ring Road No. 2 Bilaspur District Bilaspur Chhattisgarh.
2. Shivnandan Shukla S/o Shri Keshav Shukla Aged About 34 Years R/o Patrakar Colony Ring Road No. 2 Bilaspur, District Bilaspur Chhattisgarh.
3. Prafful Kumar Diwedi S/o Krishna Kumar Diwedi Aged About 31 Years R/o Mali Gali Kududand Bilaspur District Bilaspur Chhattisgarh.
4. Ajeet Kumar Patre S/o Shri H.C. Patre Aged About 34 Years R/o Devinagar Maharana Pratap Chowk Bilaspur District Bilaspur Chhattisgarh.
5. Abhinay Sharma S/o Harish Chand Sharma Aged About 31 Years R/o Devnandan Nagar Face 1 Seepat Road Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Union Of India Through The Secretary Ministry Of Labor And Employment (D.G.E. And T) New Delhi.
2. State Of Chhattisgarh Through The Secretary Department Of Urban Administration And Development Mahanadi Bhawan New Raipur, District Raipur Chhattisgarh.
3. The Director Directorate Of Urban Administration And Development Indrawati Bhawan New Raipur, District Raipur Chhattisgarh.
4. Chhattisgarh Professional Examination Board Through The Secretary Professional Examination Board Raipur District Raipur Chhattisgarh.

---- Respondent

For Petitioners : Shri A.N. Pandey, Advocate.
For Respondent/State : Shri YS Thakur, Additional AG.

**Hon'ble Shri Ajay Kumar Tripathi, CJ &
Hon'ble Shri Prashant Kumar Mishra, J**

Order On Board By Ajay Kumar Tripathi, CJ

24/07/2018 :

1. Challenge in the present writ application on behalf of the petitioners is to the notification of a set of Rules, which is known as Chhattisgarh Nagar Palik Nigam (Adhikariyo Aur Karmachariyon Ki Niyukti Tatha Seva Ke Nibandhan Evam Sharte) Niyam, 2018. This Rule has been notified under the purported exercise of power under Section 433 read with Section 58, sub-section (1) of the Chhattisgarh Nagar Palik Nigam Adhiniyam, 1956.
2. The reason why these petitioners are assailing the said Rule specially with regard to the minimum qualification which has been laid down for the Sanitary Inspectors is that earlier minimum qualification, according to them, laid down by the Central Government was class-10th pass with diploma in Sanitary Inspector Course, but now it has been made as B.Sc. (Biology) or diploma of Sanitary Inspector from a recognized Institute.
3. Merely because of higher qualification has been laid down in the

notified rules for the post in question, which is higher than what existed earlier, the Rule cannot be struck down as arbitrary or ultra vires. The discretion is always available to an employer to lay down minimum qualification required for the post because in their opinion the responsibility of the post and position and performance of their duty can be better delivered by the persons with better skills and qualification. Any person with lesser merit cannot make a grievance that standard has been jacked-up and the same, therefore, should be struck down as unreasonable.

4. Counsel for the petitioners has failed to make out a case under the touchstone of Articles 14 and 16 of the Constitution of India or on the parameters that the State authorities do not have legislative competence to notify the Rule in question.
5. That be so, the Writ Application has no merit. It deserves to be and is hereby dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge