

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1917 of 2011

In
Civil Writ Jurisdiction Case No.12019 of 2009

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Sunita Kumari D/O Gyan Chand Choudhary Resident Of Mohalla Zakki Shaheed, P.O. and P.S. Sasaram, District Rohtas At Sasaram At Present Posted As Subject Matter Specialist In Home Science, Under Faculty Of Home Science, Krishi Vigyan Kendra, Araria, P.O. , P.S. and District Araria

... .. Appellant/s

Versus

1. Rajendra Agriculture University, Pusa, District- Samastipur, through its Registrar.
2. Vice-Chancellor, Rajendra Agricultural University, Pusa, District Samastipur
3. Officer Incharge Recruitment Rajendra Agricultural University, Pusa, District Samastipur

... .. Respondent/s

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with
Letters Patent Appeal No. 156 of 2012
In
Civil Writ Jurisdiction Case No.12572 of 2009

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Sunita Kumari, D/O Gyan Chand Choudhary Resident Of Mohalla Zakki Shaheed, P.O. and P.S. Sasaram, District Rohtas At Sasaram, At Present Posted As Subject Matter Specialist In Home Science, Under Faculty Of Home Science, Krishi Vigyan Kendra, Araria, P.O., P.S. and District-Araria

... .. Appellant/s

Versus

1. Rajendra Agricultural University, PUSA, District Samastipur through its Registrar.
2. The Vice Chancellor, Rajendra Agriculture University, Pusa, District Samastipur
3. The Office Incharge, Recruitment, Rajendra Agricultural University, Pusa, Samastipur
10. Mahnaz Fatma Daughter Of S. Quiser Hussain Resident Of Tahir Lane, Road No. 16, Gardanibagh, Post Office And Police Station-Gardanibagh, District-Patna
11. Priyanka Kumari Dugther Of Shri Sheo Kumar Resident Of C/o Shri Dheeraj Kumar Sinha, 3 Chitraguptapuri, P.O. Anisabad, District- Patna-800002 and corresponding address is C/o Shyam Nandan Sahay, Statistical Section, Patna High Court, Patna 800001.

... .. Respondent/s



Appearance :

(In Letters Patent Appeal No. 1917 of 2011)

For the Appellant/s : Mr. A.B.Ojha, Sr. Advocate.
Mr. Anand Priyadarshi, Advocate
Mr. Sunil Kumar Mishra, Advocate.
For the Respondent/s : Mr. D.K.Sinha, Sr. Advocate.
Mr. Chandra Mohan Singh, Advocate.

(In Letters Patent Appeal No. 156 of 2012)

For the Appellant/s : Mr. A.B.Ojha, Sr. Advocate.
Mr. Anand Priyadarshi, Advocate
For the Respondent/s : Mr. D.K.Sinha, Sr. Advocate.
Mr. Chandra Mohan Singh, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-11-2020

Re: L.P.A. No. 1917 of 2011

The sole issue which arises for consideration in the present appeal is as to whether the degree obtained in the subject of Home Science (Hons.) by the present appellant, namely, Sunita Kumari, daughter of Gyan Chand Choudhary, can be said to be a “professional degree at the undergraduate level” or not.

It is not in dispute that the appellant, otherwise fulfils all the eligibility criteria stipulated in terms of the Advertisement dated 4.4.2008, for which applications were invited for filling up several posts in different disciplines by the Rajendra Agricultural University, PUSA, Samastipur.

For ready reference, the qualification prescribed, as notified in the Advertisement, reads as under :-



“Good academic record with at least 55% of the marks or an equivalent grade of B in the 7 point scale with latter grades O, A, B, C, D, E & F or equivalent grade in other scales such as 4/5/10 at the Masters degree level in the relevant subject from an Indian University or an equivalent degree from a Foreign University. In addition the candidates must possess respective basis Professional Degree at the undergraduate level. Besides, fulfilling the above qualification candidates should have cleared the NET for lecturers conducted by the UGC/CSIR/ASRB or similar test accredited by the UGC.

NET shall be relaxable for a candidate having two years Teaching/Research/Extension Education Experience in University/National Institute of repute.

Candidates having Master’s Degree in the relevant subject but not qualified in the NET will have to pass the NET examination after appointment before completion of three years, failing which their services shall be terminated without notice. This condition will not be applicable to the candidate having Ph.D. degree in the relevant subject.

PH.D., if available shall be preferred, Knowledge of Computer Application is desirable.

A relaxation of 5% may be provided at the Master’s level for SC/ST category. A relaxation of 5% marks may be provided to the



Ph.D. degree holders who have passed their Master's Degree prior to 19th September, 1991.”

(emphasis supplied)

It is also not in dispute that otherwise the appellant fulfils all the eligibility criteria.

It is a matter of record that the appellant obtained degree of Doctorate in Philosophy in the faculty of Social Science from the Veer Kunwar Singh University.

It is also a matter of record that pursuant to the Advertisement referred to supra, appellant had applied and was selected and appointed to the post of Subject Matter Specialist in Home Science in Krishi Vigyan Kendra in the pay scale of Rs.8000-13,500/-.

It is also a matter of record that on such selection appellant joined and since then successfully discharging her duties to the satisfaction of the employer.

The learned Single Judge while passing the impugned judgment interpreted the word “professional degree” at the “undergraduate level” to mean a degree obtained in the subject specialized, having specialization of some professional attribute in the matter of the post to which the candidate was to be selected, as such, finding the appellant's such degree at the



graduate level not to be “Respective Basic Professional Degree”, set aside her selection and cancelled the entire selection process.

Well, we do not agree with such reasoning and the course adopted by learned Single Judge on two grounds; (a) the Advertisement does not prescribe such a stipulation, for had it be so, then the words “relevant subject” matter, as is used in the context of Master’s degree ought to have been prescribed for the candidates obtaining degree at the undergraduate level; the language is simple and clear; (b) the twin condition of eligibility prescribing qualification could be in any allied subject, for what was required was the candidate to have obtained a professional degree at the undergraduate level and the degree at the level of Masters in the relevant subject for which the candidate was to apply.

In any event, in the context of the present appellant, she applied for the post of Subject Matter Specialist in Home Science. Perhaps it escaped the attention of the learned Single Judge, that the present appellant had, in fact, obtained a degree in the subject of Home Science and, that too, as an Honours degree, which fact fell totally in place and from with the interpretation afforded by the Hon’ble Judge.



In this view of the matter, in so far as the present appellant, namely, Sunita Kumari, daughter of Gyan Chand Choudhary, is concerned, we quash and set aside the impugned judgment dated 5.9.2011 passed by the learned Single Judge in CWJC No. 12019 of 2009, titled as Smita Kumari vs. Rajendra Agricultural University & others.

We hold the appellant to be fully eligible, fulfilling all the eligibility criteria for appointment to the post of Subject Matter Specialist in Home Science and her letter of appointment dated 6.6.2009 (Annexure-5) to have been issued as per law.

Appeal stands allowed.

No order as to costs.

Interlocutory application(s), if any, shall stand disposed of.

Re: L.P.A. No. 156 of 2012

At this stage it is brought to our notice that inadvertently the very same appellant had filed two appeals assailing the very same impugned judgment and the other one being LPA No. 156 of 2012, titled as Sunita Kumari vs. Rajendra Agricultural University and others, needs to be withdrawn.



The said appeal is disposed of as having been permitted to be withdrawn.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

