

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.50 of 2012

In

Civil Writ Jurisdiction Case No.12019 of 2009

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1. Dr. Kavita Dalmia, D/O Sri Sheo Kailash Pati Dalmia R/O Durga Niwas, Block Road, Post Office And Police Station- Rosera, District- Samastipur, presently posted as Subject Matter- Specialist In Home Science under faculty of Home Science, Krishi Vigyan Kendra, Arwal, Lodhipur, Farm Sarvarpur, Via-Ushri Arwal, Post Office And Police Station- Arwal, District- Arwal
 2. Dr. Seema Pradhan D/O Shree Rajendra Prasad Singh R/O Shanti Nagar, Cotton Factory Road, Post Office and Police Station- Sitamarhi, District- Sitamarhi, Presetnly posted as Subject Matter - Specialist In Home Science under faculty of Home Science, Krishi Vigyan Kendra, Raghapur Farm, Post And Police Station- Supaul, District- Supaul
 3. Nutan Kumari D/O Sheo Narayan Roy R/O Aghoria Bazar, Behind Central Bank, Muzaffarpur, presently posted as Subject Matter- Specialist In Home Science under faculty of Home Science, Krishi Vigyan Kendra, Post Office And Police Station- Madhepura, District- Madhepura

... .. Appellant/s

Versus

1. Smita Kumari, D/O Sri Balmiki Singh R/O Village- Maranchi, Police Station- Maranchi, District- Patna
2. Rajendra Agricultural University, Pusa, District- Samastipur, Through Its Registrar
3. The Vice Chancellor, Rajendra Agricultural University, Pusa, District- Samastipur
4. The Officer Incharge, Recruitment, Rajendra Agricultural University, Pusa, Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar, Advocate. Mr. Subhash Chaudhary, Advocate. Mr. Ashok Kumar Jha, Advocate. Mr. Mukul Sinha, Advocate.
For the Respondent/s	:	Mr. D.K.Sinha, Sr. Advocate. Mr.Chandra Mohan Singh, Advocate. Mr. Mrityunjay Kumar, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 05-11-2020

Learned counsel for the appellants states that appeal qua Appellant No. 3 namely Nutan Kumari, daughter of Sheo Narayan Roy, be permitted to be withdrawn.

Prayer allowed.

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 appellants, namely, (i) Dr. Kavita Dalmia, daughter of Sri Sheo Kailash Pati Dalmia, and (ii) Dr. Seema Pradhan, daughter of Shree Rajendra Prasad Singh, can be said to be a “professional degree at the undergraduate level” or not.

It is not in dispute that the appellants, otherwise fulfil 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 appellants fulfil all the eligibility criteria.

It is a matter of record that the appellant No.1, namely Dr. Kavita Dalmia, and appellant No.2, namely, Dr. Seema Pradhan, have obtained B.A (Hons.) degree in the subject of Home Science and post graduate degree in Home Science and have also obtained Ph.D. in Home Science.

It is also a matter of record that pursuant to the Advertisement referred to supra, appellants had applied and were 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 appellants joined and since then successfully discharging their 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 appellants’ such degree at the graduate level not to be “Respective Basic Professional



Degree”, set aside their 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 appellants, they applied for the post of Subject Matter Specialist in Home Science. Perhaps it escaped the attention of the learned Single Judge, that the present appellants 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



appellants, namely, Dr. Kavita Dalmia, daughter of Sri Sheo Kailash Pati Dalmia and Dr. Seema Pradhan, daughter of Shree Rajendra Prasad Singh, are 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 appellants to be fully eligible, fulfilling all the eligibility criteria for appointment to the post of Subject Matter Specialist in Home Science and their letters 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.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

