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HIGH COURT OF CHHATTISGARH BILASPUR**Order Reserved on 23.06.2020****Order Delivered on 07.08.2020****Writ Petition (S) No.2057 of 2020**

1. Chandan Kurrey S/o Shri Baliram Kurrey Aged About 24 Years R/o Quarter No. A- Type, No. 28/276, Dhelwadih, Police Station Katghora, District Korba Chhattisgarh.
2. Sarita Jaiswal D/o Shri Jaglal Jaiswal Aged About 29 Years R/o Village Naughta, Post Bonda, Police Station Sariya, District Raigarh Chhattisgarh.
3. Jems Minj S/o Shri Shiv Lal Minj Aged About 26 Years R/o Village And Post Devgarh, Police Station And Tahsil Sitapur, District Surguja Chhattisgarh.
4. Deepika Sidar D/o Shri Sidar Singh Sidar Aged About 24 Years R/o Village Aurda, Police Station And Tahsil Kharsia, District Raigarh Chhattisgarh.
5. Prafulla Kashyap S/o Shri Brahma Prakash Kashyap Aged About 24 Years R/o Ward No.5, Nawagaon, Police Station Katghora, District Korba Chhattisgarh.
6. Alish Beck D/o Shri Tapunath Beck Aged About 24 Years R/o House No. 56, Sitapur, Post Petla, Village Kathbuda, Police Station Sitapur, District Surguja Chhattisgarh.
7. Devesh Meshram S/o Shri Krishna Kumar Meshram Aged About 25 Years R/o House No. 182, Police Station Dharampura No. 1, Jagdalpur, District Bastar Chhattisgarh.
8. Arunima Panna D/o Shri Hari Prasad Panna Aged About 25 Years R/o Jawahar Nagar, Ward No. 24, Police Station Jagdalpur, District Bastar Chhattisgarh.
9. Alka Thakur D/o Shri Bhanu Pratap Thakur Aged About 23 Years R/o Karmchari Colony, Village Lahraud, Police Station Pithora, District Mahasamund Chhattisgarh.
10. Kavita Singh D/o Shri Brajraj Singh Aged About 23 Years R/o House No. 54, Patratoli, Police Station And Tahsil Shankargarh, District Balrampur Chhattisgarh.
11. Vinod Kumar Singh S/o Late Shri Nand Kumar Singh Aged About 26 Years R/o Village, Post And Police Station Khadgawan, District Koriya Chhattisgarh.
12. Ved Prakash Sonwani S/o Shri Tulsingh Sonwani Aged About 24 Years R/o Village Falsapara, Sitlijor, Devbhog, Police Station Gariyaband, District Gariyaband Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through Principal Secretary, Department of Animal Husbandry, Mahanadi Bhavan,

Mantralaya, Police Station And Post Rakhi, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.

2. Director Veterinary Services, First Floor, Block No. 3, Indravati Bhavan, Nawa Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Secretary Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District Raipur Chhattisgarh.

---- Respondents

Writ Petition (S) No.2058 of 2020

1. Dibya Prakash Paikra S/o Shri Ganga Ram Paikra, Aged About 23 Years, R/o Village Khajuri, Post, Police Station and Tahsil - Pratappur, District Surajpur, Chhattisgarh.
2. Chandrashekhar S/o Shri Banwali Ram, Aged About 26 Years R/o Ward No. 08, Shankar Nagar, Dhamdha, Police Station Dhamdha, District Durg, Chhattisgarh.
3. Bhojraj Sahu S/o Shri Leela Ram, Aged About 23 Years, R/o 149, Karma Chowk, Kurud, Panduka, Police Station Panduka, District Gariyaband. Chhattisgarh.
4. Prashant Kumar Upadhyay S/o Shri Chintamani Upadhyay, Aged About 25 Years R/o Village and Post Batra, Police Station Bishrampur, District Surajpur, Chhattisgarh.
5. Priya Gajbhiye D/o Shri Gyani Lal Gajbhiye, Aged About 27 Years R/o Village - Pasaud, Police Station and Tahsil Gunderdehi, District Balod, Chhattisgarh.
6. Rahul Thakur S/o Shri R. R. Thakur, Aged About 23 Years R/o Dalli Rajhara, Ward No. 5, Dalli Rajhara, Police Station Dalli, District Balod, Chhattisgarh.
7. Shiphali Gupta D/o Shri Phool Chandra Gupta, Aged About 24 Years R/o Village Post and Police Station Marwahi, District Gaurela-Pendra-Marwahi, Chhattisgarh.
8. Savita Sahu D/o Shri Babulal Sahu, Aged About 23 Years, R/o Village Taloi Muda, Police Station Surajpur, District Surajpur, Chhattisgarh.
9. Raju Kumar Singh S/o Shri Samar Singh, Aged About 24 Years, R/o Navagaon Kala, Gopalpur, Tahsil Katghora, Police Station Darri, District Korba, Chhattisgarh.
10. Ishmeet Kumar S/o Late Shri Sanjay Kumar, Aged About 23 Years R/o Ward No. 11, House No. 608/N-1, Sunder Nagar, Pendra Road, Sarbahra, Police Station Pendra, District Gaurela - Pendra - Marwahi, Chhattisgarh.
11. Kamlesh Kumar S/o Shri Rameshwar Prasad, Aged About 24 Years R/o House No. 212, Yadav Tola, Village - Changeri, Police Station and Tahsil Marwahi, District Gaurela - Pendra - Marwahi, Chhattisgarh.
12. Ashish Kumar Mahant S/o Shri Nand Lal Mahant Aged About 27 Years R/o Village Kanchanpur, Post Kakna, Tahsil Ambikapur, Police Station Dhourpur, District Surguja, Chhattisgarh.

13. Sharda Dahariya D/o Shri Rewa Dahariya, Aged About 25 Years, R/o Rani Durgavati Ward No. 8, Bilha, Police Station Bilha, District Bilaspur, Chhattisgarh.

---- **Petitioners**

Versus

1. State of Chhattisgarh Through Principal Secretary, Department of Animal Husbandry, Mahanadi Bhavan Mantralaya, Police Station And Post Rakhi, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Director Veterinary Services, First Floor, Block No. 3, Indravati Bhavan, Nawa Raipur, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
3. Secretary Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District Raipur, Chhattisgarh.

---- **Respondents**

For Petitioners	: Shri Santosh Kumar Pandey, Advocate
For Respondent/State	: Shri Sudeep Agrawal, Dy. Advocate General
For Respondent/CGPSC	: Shri Anand Mohan Tiwari, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

C A V Order

Per Parth Prateem Sahu, Judge

1. In both the writ petitions, the petitioners are students of Chhattisgarh Kamdhenu University, Durg and prosecuting their studies in Veterinary Science and Animal Husbandry Course. In both the writ petitions, petitioners have raised identical grounds and sought similar reliefs, therefore, both the writ petitions are being disposed off by this common order.

2. The petitioners who are pursuing their studies in Veterinary Science and Animal Husbandry College situated at Anjora, District Durg have filed this petition challenging the advertisement dated 19.02.2020 (Annexure P/4) for appointment of Assistant Veterinary

Surgeon issued by the Chhattisgarh Public Service Commission (hereinafter referred to as 'CGPSC') i.e. respondent No.3 on the ground that in the advertisement under the Clause of “essential educational qualification”, it is mentioned that the Bachelor degree from the recognized University in Veterinary Sciences and registration with Veterinary Council of Chhattisgarh State prior to the date of issuance of advertisement as also the notification dated 07.01.2019 bearing No.F1-45/2018/35 (Annexure P/3) amending the prescribed educational qualification in Schedule-III, in Serial No.1, Column No.7, to be arbitrary and unreasonable and sought for following reliefs :

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to produce all the relevant records relating to the case of the petitioners before this Hon'ble court for its kind perusal.

10.2 That this Hon'ble Court may kindly be pleased to declare the amended Rule dated 7.1.2019 as per Notification No.F-145/2018/35 (Annexure P/3) as arbitrary and unreasonable and direct the respondent authorities to modify the said rule reasonably.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consequently modify the advertisement dated 19.02.2020 (Annexure P/4).

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to accept the applications of the petitioners

and permit them to participate in the examination.

10.5 Any other relief or direction or order as may be deemed fit in the facts and circumstances of the case may also be granted by the Hon'ble Court.”

3. The pleadings made in the writ petition is that the petitioners are students of final year of Bachelor of Veterinary Science and Animal Husbandry (hereinafter referred to as 'B.V.Sc. & A.H.') and they have cleared the examination of their last semester. The Registrar of the Chhattisgarh Kamdhenu University, Durg issued the course completion certificate (bonafide certificate) in the month of December 2019. On the basis of such certificate, the petitioners got themselves provisionally registered with the Registrar, Chhattisgarh State Veterinary Council, Raipur. Respondent No.3/CGPSC issued an advertisement for recruitment of Assistant Veterinary Surgeon mentioning the qualification to be Graduate in Veterinary Sciences from recognized University and registered under the Chhattisgarh State Veterinary Council established under the law. The date of submission of the applications as prescribed under the advertisement is from 18.03.2020 to 16.04.2020. The advertisement does not show the clear status with regard to registration; whether the candidates who are having permanent registration certificate only will be allowed to participate or the candidates who are possessing provisional registration certificate will also be permitted, for which, they have made representation and subsequently, they also met with the competent authority personally. They have been

informed that they are not eligible for making an application to the advertised post vide advertisement dated 19.02.2020. In other examinations conducted by the CGPSC, even candidates/students who are appearing in the final year examination, are allowed to participate in the examination and some of them also got selected and it is at the time of interview, the requirement of showing the documents and its submission have been made to be mandatory. The representation of the petitioners was not decided till date. They have also pleaded that the petitioners in anticipation and expectation that their applications can be accepted by the respondent authorities applied online on 18.03.2020 for the advertised post of Assistant Veterinary Surgeon, but they are having apprehension that their applications would be rejected.

4. Respondent No.3/CGPSC submitted its reply mentioning therein that in exercise of powers conferred under Article 309 of the Constitution of India, Rules have been framed known as "Chhattisgarh Veterinary (Gazetted) Services Recruitment Rules, 2011 (hereinafter referred to as 'Rules of 2011') and the educational qualification for appointment on the post of Assistant Veterinary Surgeon is prescribed as "Graduate in Veterinary Science from any recognized University or Institution of India or Foreign and registered under Chhattisgarh State Veterinary Council Act, 1984 (No.52 of 1984)." The Rules of 2011 came to be amended on 04.01.2019 and in Schedule-III of Rules of 2011, the requirement at Column No.7, has been amended which reads as "Graduate in Veterinary Science from any recognized University or Institution of India or Foreign and

registered under Chhattisgarh State Veterinary Council established under rule of law, before the date of advertisement of the post.”

5. The Chhattisgarh Kamdhenu University, Durg issued the course completion certificate to declare the petitioners eligible to undergo compulsory rotator internship as per University regulations and recommended for issuance of provisional registration certificate to undertake veterinary practice under supervision of a recognized supervisor in restrictive manner. The advertisement issued by respondent No.3/CGPSC is in accordance with the Rules of recruitment framed by the State Government and the petitioners are only pursuing the Bachelor degree course and training programme for B.V.Sc. & A.H. course. Respondent No.3/CGPSC is only the recruiting agency as to conduct the examination in accordance with the Rules and regulations and prayed for dismissal of the writ petition being devoid of any substance.

6. Shri Santosh Kumar Pandey, learned counsel for the petitioners submits that respondent No.3/CGPSC advertised the post for recruitment of Assistant Veterinary Surgeon after about 5 years and total posts which is advertised is 162 including backlog posts. He submits that in the said advertisement, there is no specific mentioning about the requirement of permanent registration certificate or provisional registration certificate, which will meet the requirement. The terms/words used under “minimum educational qualification” is ambiguous as it is not clear which made the petitioners to approach this Court for appropriate direction to respondent No.3/CGPSC. It is also pointed out by the learned

counsel that the word registered with the Chhattisgarh State Veterinary Council “**before the date of advertisement of the post**” mentioned in the minimum educational qualification in the advertisement has been brought into after the amendment and these words were not in the original Rules of 2011 prior to 04.01.2019. The amendment brought in the Rules of 2011 is arbitrary and unreasonable. The petitioners have already completed their course for which the course completion certificate has been issued by the Chhattisgarh Kamdhenu University, Durg and further provisional registration certificate is also issued by the Chhattisgarh State Veterinary Council, Raipur. But even then, orally it has been stated that the petitioners are not eligible for participation in accordance with recruitment Rules. If the petitioners are not allowed to participate in the recruitment proceedings amongst advertised posts, more than 50 posts will remain vacant, which may defeat the healthy selection process. It is also argued that only issuance of transcript is remaining to be issued to the petitioners after adding or mentioning the words “compulsory rotator internship”, which will not affect the total result of the petitioners or affect transcript of Bachelor degree. He submits that the amendment made in Schedule-III of the Rules of 2011 to be declared as arbitrary and unreasonable.

7. Per contra, Shri Sudeep Agrawal, learned Deputy Advocate General for the State submits that the petitioners in the writ petition have not challenged the competency of the rule making process nor made any particular/specific pleading as to how the amendment brought in Rules of 2011 in Schedule-III Column No.7 to be arbitrary

and unreasonable by merely pleading in one line that “the amendment brought in Schedule-III Column No.7 to be unreasonable and arbitrary” will not be sufficient to hold the same in favour of the petitioners. Any rule will not become unreasonable and arbitrary if in any manner it is not working in favour of the persons like petitioners. He submits that the petitioners as per their own pleadings are undergoing Bachelor degree course of B.V.Sc. & A.H. and they are undergoing internship after completion of course i.e. training programme is yet to be completed, which is part of the degree course. He further submits that the purpose of issuance of course completion certificate is only to make the students eligible for provisional registration with the Chhattisgarh State Veterinary Council, Raipur so that he can undergo internship/training under the supervision of a recognized supervisor. The provisional registration certificate does not give any right to the students for practising in Veterinary Science and the registration as provided in the qualification is registration for Bachelor's of Veterinary Science and Animal Husbandry making them eligible to practice independently in veterinary sciences. He also submits that the grounds raised in the writ petition are wholly misconceived.

8. Shri Anand Mohan Tiwari, the learned counsel representing the 3rd respondent/CGPSC submits that the CGPSC is only a recruiting agency and to initiate the recruitment procedure as prescribed in the recruitment rules, under which particular posts are advertised. He submits that under the Rules of 2011, the requirement under the minimum educational qualification is the

candidates to be Graduate from any recognized University under the Veterinary Sciences and to be registered with the Chhattisgarh State Veterinary Council, Raipur prior to the date of advertisement. The petitioners are not Graduate but undergoing internship which is compulsory part of Graduation course and the degree will be issued only after completion of the internship. The course completion certificate is issued for the provisional registration and the provisional registration certificate is only to practice under supervision of a recognized supervisor in restrictive manner. The petitioners have not completed the Graduation course for becoming eligible to participate in recruitment proceedings.

9. We have heard learned counsel appearing for the respective parties and perused the documents available in the writ petition.

10. Perusal of the pleadings made in the writ petition itself shows that the petitioners are the final year students of Veterinary Science and Animal Husbandry College situated at Anjora, District Durg. The petitioners themselves admitted that they have not completed the course of B.V.Sc. & A.H. and are undergoing internship, which will come to an end on 27.06.2020. The B.V.Sc. & A.H. course which the petitioners are prosecuting are governed by the "Academic Regulations for Bachelor Degree Programme in Faculties of Veterinary Science and Animal Husbandry and Dairy Technology and Fisheries". The academic regulations for the Bachelor degree programme is also known as "Chhattisgarh Kamdhenu Vishwavidyalaya Under Graduate Academic Regulations, 2013" (hereinafter referred to as 'Regulations, 2013') for awarding the

degree for B.V.Sc. & A.H. along with other courses. 'Part A' of the aforementioned Regulation, 2013 deals with the "Faculty of Veterinary Science & Animal Husbandry". Regulation 2.15 A prescribes for the "method of calculation and recording of grade points, formats of detailed marks certificate (DMC) and degree transcript as per Veterinary Council of India and minimum standards of Veterinary Education Degree Course (B.V.Sc. & A.H.) Regulations, 2008". Regulation 2.18 deals with "Internship", which reads as follows :

"2.18 Internship: Every student of B.V.Sc. & A.H. degree course shall be required after passing the fifth annual examination to undergo compulsory rotating internship to the satisfaction of the University for a minimum period of six calendar months so as to be eligible for the award of the degree of B.V.Sc.& AH. and full registration with the Council. Compulsory rotating internship shall include a full time training in veterinary and animal husbandry services {including emergencies and night duties, Sundays and holidays). The intern will devote whole time to the training and will not be allowed to accept a whole time or part time appointment paid or otherwise, Internship shall be undertaken only after completion of all credit requirements of veterinary curriculum including Tracking Programmes, Study Circles, Entrepreneurial Training - and R.VC. Squadron/N.C.C./ Equestrian/N.S.S/Sports

and games as prescribed under these regulations. Internship programme will be regulated by Veterinary Council of India – Minimum Standards of Veterinary Education Degree Course (B.V.Sc. & A.H.) Regulations, 2008.”

11. Bare perusal of Regulation, 2008, it is clear that the undergoing internship is compulsory after passing 5th annual examination and that too to the satisfaction of the University for a minimum period of 6th calendar months and only thereafter, the candidate will become eligible for awarding of the degree of B.V.Sc. & A.H. and full registration with the Council. From the language used in the Regulation 2.18, it is apparent that successful completion of internship is one of the important part of the course for becoming eligible to get the degree. Without satisfactory completion of internship, a student cannot be said to be a Graduate.

12. Regulation 7.0 prescribes for “award of degree, duration and credit requirements”. The 'duration' as mentioned in Regulation 7.01 for B.V.Sc. & A.H. course prescribes for minimum 10 semester and maximum 16 semester including six months internship for award of degree. This also in very clear term prescribes that completion of internship of six months is essential and without completing the period of six months internship, the student will not be eligible for awarding of the degree.

13. From the above Regulations of Chhattisgarh Kamdhenu University, Durg, under which, the petitioners have prosecuted their studies for B.V.Sc. & A.H. course clearly provides that after passing

the theoretical and practical examination, the student has to go compulsory rotating internship for six calendar months to the satisfaction of the authority and only thereafter, the degree is to be awarded.

14. In view of aforementioned requirement made in the Regulations, 2013, the petitioners cannot be said to have Graduate in B.V.Sc. & A.H. course for making applications to the post advertised by respondent No.3/CGPSC vide Annexure P/4 dated 19.02.2020.

15. The Hon'ble Supreme Court in case of **Ajay Kumar Agrawal and Others v. State of U.P. and Others** reported in **(1991) 1 SCC 636** while considering the issue of completion of internship for admission to Post Graduate courses in Medical Colleges has held thus :

“12. Section 33 of the Indian Medical Council Act contemplates regulations and a sub-section thereof authorises regulation to be made for the courses and the period of study and practical training to be undertaken for grant of recognised medical qualification. Section 25 of the Act provides that provisional registration and internship for a period of one year is a basic qualification necessary for acquiring the full-fledged MBBS degree. We also find that a regular registration is necessary for a candidate to get admitted into the Post Graduate Course and regular registration would not be permitted until the internship

is completed. The action of the State of Uttar Pradesh in fixing the cut-off date as the end of December 1990, and allowing the candidates undergoing internship to take the selection examination as also get admitted into the Post Graduate Courses is, therefore, contrary to the scheme of the Act and the regulation made thereunder. The prevalent arrangement in the State of Uttar Pradesh can only be classified as another indisciplined action.

13. We cannot lose sight of the fact that on account of the irregular steps taken by the State of Uttar Pradesh, a group of candidates have been invited to sit at a selection examination before they have acquired the requisite qualification and have been selected for admission. These candidates who are before us have been anxiously waiting for their admission. Similarly there is a group of students who have had the full qualification and has been selected.”

16. In the aforementioned dictum, Hon'ble Supreme Court in very categorical terms has held that provisional registration and internship for a period of one year is a basic qualification necessary for acquiring the full-fledged degree of MBBS and the regular registration to be mandatory and necessary for getting a candidate to be admitted. In the case at hand, the petitioners have been issued course completion certificate and by virtue of which, they are provisionally registered with the Chhattisgarh State Veterinary

Council for specific purpose to undergo internship, which is still continuing on the date of filing of the writ petition. They cannot be awarded bachelor's degree for stepping further in their life before completion of 'internship' of six months and that too satisfaction of University.

17. The other submission made by learned counsel for the petitioners that there is no clarity in the advertisement issued by respondent No.3/CGPSC whether requirement of registration of permanent or provisional as the petitioners have already got provisional registration certificate.

18. Upon perusal of course completion certificate issued by the Chhattisgarh Kamdhenu University, Durg on 28.12.2019 is only for the purpose of showing the students in whose favour the certificate is issued to be eligible to undergo compulsory internship as per the Regulations, 2013 and have issued the provisional registration certificate to undertake veterinary practice under supervision of a recognized supervisor in restrictive manner. In the certificate, the purpose of issuing certificate is specifically mentioned as :

“He/she may be issued a provisional registration certificate to undertake veterinary practice under supervision of a recognized supervisor.”

The reason of course completion certificate will not mean that the students in whose favour such certificate is issued have become Graduate.

19. Perusal of provisional registration certificate issued by the Chhattisgarh State Veterinary Council, Raipur would show that nature of certificate is provisional and under note, it has been specifically mentioned, only for practice during training/internship. The provisional registration certificate holder has to practice under supervision of a recognized supervisor as specifically mentioned in the course completion certificate or provisional registration certificate. It is specifically mentioned under note as :

“नोट : 1. अनुमोदित संस्थान में केवल प्रशिक्षण के लिये

ही धारक अभ्यास के लिये अधिकृत होगा।

2. फाइनल पंजीकरण से समय मुल प्रमाण पत्र

वापस जमा करवाना अपेक्षित है।”

20. In view of the specific note mentioned in the provisional registration certificate, there is no doubt about the nature of the document i.e. only to complete the internship on the basis of provisional certificate. It is not that his/her registration is for the purpose of practice of veterinary science, without his internship is recorded to be satisfactory completed by the competent authority and transcript of degree issued by the authority.

21. Apart from above, perusal of transcript issued by the Chhattisgarh Kamdhenu University, Durg for B.V.Sc. & A.H. degree programme (Annexure P/7), it mentions about the entrepreneurial training and also mentions about the internship, which is required to be graded; meaning thereby that, after calculating the grade point and also awarding of grade for different subjects, training and

internship, the degree is awarded to the students for their successful completion of B.V.Sc. & A.H. degree programme/course.

22. The submission made by learned counsel for the petitioners that the petitioners have completed the degree course for B.V.Sc. & A.H., for the aforementioned reasons and in view of Regulations, 2013 is not sustainable and it is hereby rejected.

23. So far as the other submission made by learned counsel for the petitioners that the amendment brought in the Rules of 2011 to be arbitrary and illegal is concerned, the petitioners have not pleaded that the respondent/State who brought the amendment is not having the competency under the law or it is in any manner contrary to other rules of the Rules of 2011.

24. Perusal of unamended Rules would show the requirement of candidates to be registered under the Indian Veterinary Council Act, 1984, but by way of an amendment along with registration with the Chhattisgarh State Veterinary Council, Raipur, it has also been clarified that the registration to be of the date prior to the date of advertisement. Any provision of law or Rule only on the ground that it is affecting adversely to the petitioners cannot be termed to be arbitrary and unreasonable.

25. The question of formulating eligibility criteria which prescribes the qualifications and other conditions of certificate is exclusively within the domain of the employer/State Government. It is for the employer to formulate eligibility criteria prescribing qualifications and also cut-off dates within which, the eligible candidates or the

participants should fulfill all the eligibility criteria. The Hon'ble Supreme Court in case of **P.U. Joshi and Others v. Accountant General, Ahmedabad and Others** reported in **(2003) 2 SCC 632** has held thus :

“10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/substruction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate.....”

26. Merely saying any Rule to be unreasonable and arbitrary will

not make it in to be decided in favour of the petitioners, but it is required to be established within the four-corners of the law showing as to how the Rules, which is challenged by them are arbitrary and unreasonable. In this case, the learned counsel for the petitioners has not made out any case before us, more so, could not point out as to how Schedule-III of Rules of 2011 prescribing 'minimum eligible criteria' in Column No.7 is arbitrary and unreasonable.

27. Further, the Hon'ble Supreme Court in case of **Sanjay Kumar Manjul v. Chairman, UPSC and Others** reported in **(2006) 8 SCC 42** while considering the jurisdiction of superior Courts for interfering within the conditions of service and the essential qualifications prescribed by the employer, held thus :

“25. The statutory authority is entitled to frame the statutory rules laying down terms and conditions of service as also the qualifications essential for holding a particular post. It is only the authority concerned which can take ultimate decision therefor.

26. The jurisdiction of the superior courts, it is a trite law, would be to interpret the rule and not to supplant or supplement the same.

27. It is well-settled that the superior courts while exercising their jurisdiction under Articles 226 or 32 of the Constitution of India ordinarily do not direct an employer to prescribe a qualification for holding a particular post.”

28. For the foregoing reasons, we do not find any substance in the

writ petitions. The writ petitions are liable to be and are hereby dismissed.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh