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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 277 of 2020**

*{Arising out of order dated 06.01.2020 passed by the learned Single Judge in Writ
Petition (S) No. 208 of 2017}*

1. Piyush Kumar S/o Shri Rajendra Prasad Aged About 26 Years R/o House No. 197, Parsuram Ward Pandatarai Police Station Pandatarai District Kabirdham, Chhattisgarh.
2. Geetesh Kumar S/o Shri Hemant Kumar Aged About 26 Years R/o Village And Post Nahanda Tahsil Dondilohara, Police Station Devri Bangla District Balod, Chhattisgarh.
3. Priyanka Pandey D/o Shri Rajeev Pandey Aged About 28 Years R/o House No. 119 Old Changorabhata Police Station D.D. Nagar, District Raipur, Chhattisgarh.
4. Pooja Chandrakar D/o Shri Ram Kumar Chandrakar Aged About 25 Years R/o Village Bhansuli (R) Police Station Ranitarai District Durg, Chhattisgarh.
5. Sourabh Singh S/o Shri Brishket Singh Aged About 26 Years R/o Bhaismundi, Police Station Navagarh District Janjgir Champa, Chhattisgarh.

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Versus

1. State of Chhattisgarh Through The Secretary, Department of Technical Education, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. State of Chhattisgarh Through, Secretary, Department of Public Works Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh.
3. State of Chhattisgarh Through Secretary, Water Resource Department Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh.
4. State of Chhattisgarh Through Secretary, Department of Public Health Engineering Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh.
5. State of Chhattisgarh Through Secretary, Department of Urban Administration, Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh.
6. Chhattisgarh Public Service Commission Through Its Secretary, Shankarnagar, Raipur, Chhattisgarh.
7. All India Council For Technical Education Through Its Secretary, Chandralok Building, Janpad, Delhi.
8. Akanksha Sahu D/o Shri B.K. Sahu Aged About 28 Years R/o House No. A - 174, Vidyut Nagar Police Station Pulgaon, District Durg, Chhattisgarh.
9. Ashish Banjare S/o Shri R.K. Banjare Aged About 25 Years R/o 28/c 2 D Type, Hospital Sector, Dallirajhara Police Station Dallirajhara, District Balod, Chhattisgarh.
10. Virendra Kumar Nagesshiya S/o Shri Manprasad Nageshiya Aged About 25 Years R/o Lig - 202, Housing Board Colony, Hatkeshwar Ward Dhamtari Police Station Dhamtari, District Dhamtari, Chhattisgarh.

11. Abhishek Sahu S/o Shri Lalit Kumar Sahu Aged About 25 Years R/o House No. 36, S.T. No. 7 F Sector 02 Near Kabir Kirana Store, Professor Colony, Police Station Purani Basti, District Raipur, Chhattisgarh.
12. Harish Kumar Manhar S/o Shri Mannu Ram Manhar Aged About 29 Years R/o Sarsiwa, District Balod Bazar Bhatapara, Chhattisgarh.
13. Anil Kumar Kashyap S/o Shri H. Kashyap Aged About 27 Years R/o House No. 84 Chauhan Para 01 Village Singhanpur Police Station Basna, District Mahasamund, Chhattisgarh.
14. Juhi Verma D/o Shri Nepal Verma Aged About 27 Years R/o E-35, Parshu Ram Nagar, Behind Mining Office Police Station Telibandha, District Raipur, Chhattisgarh.
15. Shyama D/o Shri Shiv Prasad Aged About 25 Years R/o Village Salheona Police Station Saria, District Raigarh, Chhattisgarh.
16. Mukteshwari Sahu S/o Shri Saroj Kumar Sahu Aged About 25 Years R/o Sanjay Nagar, Teachers Colony Yashwant Rao Street, Kurud Police Station Kurud, District Dhamtari, Chhattisgarh.
17. Saket Bhawar S/o Shri Kamal Kumar Bhawar Aged About 26 Years R/o House No. 49/980, Patel Gali Police Station Purani Basti, District Raipur, Chhattisgarh.
18. Pragati Sao D/o Shri S.L. Sao Aged About 28 Years R/o House No. 07, Harshit Mahoba Bazar Sarawati Nagar, District Raipur, Chhattisgarh.

---- Respondents

For Appellants	:	Ms. Deepali Pandey, Advocate.
For Respondents No. 1to5	:	Shri Sudeep Agrawal, Deputy Advocate General.
For Respondent No. 6	:	Shri Ashish Shrivastava, Advocate.
For Respondent No. 7	:	Shri Sandeep Dubey, Advocate.

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

Judgment on Board

Per P. R. Ramachandra Menon, Chief Justice

18.06.2020

1. The challenge is in appeal against the judgment dated 06.01.2020 passed by the learned Single Judge in Writ Petition (S) No. 208 of 2017. The prayers in the writ petition were in the following terms:

“10.1 The Hon'ble Court may kindly be pleased to issue appropriate writ/direction/order against the respondent authorities to quash the impugned advertisement contained in **Annexure P/1** and respondent authorities may be directed to conduct a

fresh examination for the post of the Assistant Engineering (Electrical/Mechanical) as per the relevant recruitment Rule contained in **Annexure P/5**.

10.2 The Hon'ble Court may kindly be pleased to issue appropriate writ/direction/order against the respondent authorities to treat degree of B.E. (Electrical & Electronics) equivalent with the degree of B.E. (Electrical) for the purposes of recruitment against the post of the Assistant Engineering (Electrical/Mechanical).

10.3 The Hon'ble Court may kindly be pleased to issue appropriate writ/direction/order against the respondent authorities to refer the dispute of equivalency to the expert committee for deciding the equivalence of two dispute qualifications i.e. B.E. (Electrical & Electronics) and B.E. (Electrical).

10.4 Any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case and in the interest of justice and cost of the petition may be awarded in favour of the petitioner."

2. The relief sought for was oppose from the part of the Respondents and after hearing both the sides, the learned Single Judge declined interference and the matter was finalized with the observation and finding as given in paragraphs 8 and 9 of the judgment, which are extracted below:

"8. Heard learned counsel for the parties and also perused the records. Primarily, the grievance of the petitioners is that they are B.E., degree holders in the discipline of Electrical and Electronics Engineering. The advertisement which was made by the Chhattisgarh Public Service Commission for appointment to the post of Assistant Engineer specifically purports that the person who applies for the Post of Asst. Engineer should have possessed the degree in particular subject i.e., Civil, Mechanical, Electrical, Agricultural/ Mechanical etc. When the advertisement was made, it refers to the specific/relevant subject. The grievance of the petitioners is that they possess equivalent qualification and are required to be considered. The said contention of the petitioners cannot be appreciated inasmuch as in the schedules the equivalent qualification cannot be made a synonym to the particular subject. The equivalent qualifications as shown in the schedule have different applications and meaning. The equivalent qualification cannot be made to understand that if a person holds a particular degree, in absence of any particulars the said subject

can be held to be an equivalent qualification for which the advertisement was made. The petitioners who claim to possess the degree of Electrical and Electronics Engineering cannot enforce that the electrical degree of B.E., to be as equivalent and claim that advertisement would impliedly include the subject of electronics too. The reading of the Schedules of the Act also does not say so that a particular relevant subject would be inclusive of the equivalent qualification of a particular subject.

9. At this juncture, this Court would follow the law laid down by this Court in WPS No. 2992/2015 decided on 14.09.2015 wherein it was held that when the particular discipline was advertised for the post of Electrical Engineer, the persons who are in hold of degree of Electrical and Electronics Engineering cannot claim it to be an equivalent qualification. The advertisement specifically mentioned the qualification of engineering degree in a particular relevant subject. Therefore, it would be misdemeanor to read the words in schedule that the specific relevant qualification as desired in the advertisement would include the degree of equivalent subject. The petition sans merit and is dismissed.”

This is stated as not correct or sustainable and hence the appeal.

3. Heard Ms. Deepali Pandey, the learned counsel appearing for the Appellants, Shri Sudeep Agrawal, the learned Deputy Advocate General representing the State, Shri Ashish Shrivastava, the learned counsel for Respondent No. 6/PSC and Shri Sandeep Dubey, the learned counsel appearing for Respondent No. 7.
4. It is brought to the notice of this Court that the issue involved herein had already been subjected to analysis by this Court and as per the judgment dated 30.08.2018 in Writ Appeal No. 280 of 2017. The issue is stated as answered against the Appellants herein.
5. Shri Ashish Shrivastava, the learned counsel for Respondent No. 6/PSC also submits that the 'equivalency' and the specific notification stipulating the particular qualifications, had already been dealt with by a Division Bench of this High Court as per judgment dated 14.09.2015 in Writ Petition (S) No. 2992 of 2015. The learned counsel also makes a reference to the declaration of law by

the Apex Court under similar circumstance in ***Ganapath Singh Gangaram Singh Rajput v. Gulbargha University Represented by its Registrar & Others*** reported in **(2014) 3 SCC 767**, with specific reference to the contents of paragraphs 21 to 23.

6. After hearing both the sides, we are of the view that the issue is no longer *res integra*. No interference is called for. The appeal stands dismissed as devoid of any merit, in terms of the judgments as aforesaid.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge