

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.14660 of 2013 (O&M)

Date of Order:08.02.2021

Surinder Singh Taxak

..Petitioner

Versus

**The Punjab State Civil Supplies Corporation
Limited (PUNSUP) and others**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Nehra, Advocate,
for the petitioner.

Ms. Deepali Puri, Advocate,
for respondent no.1-PUNSUP.

Ms. Maloo Chahal, DAG, Punjab,
for respondent no.2-State.

Mr. V.K.Sachdeva, Advocate,
for respondent no.3.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner has invoked the extra-ordinary jurisdiction of this court under Article 226 of the Constitution of India, for issuance of a writ in the nature of certiorari to quash the selection and appointment of respondent no.3 on the post of Manager (Finance & Accounts) in the Punjab State Civil Supplies Corporation Limited (hereinafter referred to as 'the Corporation').

The question which arises for consideration is “whether a degree of Masters in Management Science is an equivalent qualification to a degree of Masters in Business Administration?

The respondent-Corporation issued a recruitment notice,

inviting applications for various posts including the post of Manager (Finance & Accounts). As per the recruitment notice, a candidate was required to have the following qualification:-

<i>Sr.No.</i>	<i>Name of Post</i>	<i>Pay Band</i>	<i>Qualification and Experience</i>	<i>No. of Posts</i>
1	Manager (Finance & Accounts)	15600-39100+Grade Pay 7600	(i) MBA/M.Com with at least 50% marks from a recognized University. Candidate with MBA (Finance) would be preferred. OR Chartered Accountant/Cost & Works Accountant (ii) Minimum 10 years post experience in Managerial Capacity in any commercial organization.	1 (Gen.)

The petitioner has done Masters in Management Science from Maharishi Dayanand University, Rohtak. He applied for the post. No doubt, he was shortlisted and called for interview, however, subsequently, he declared ineligible.

Learned counsel for the petitioner contends that as per the Maharishi Dayanand University, Rohtak, the qualification of Masters in Management Science is equivalent to Masters in Business Administration and therefore, the decision of the respondent-Corporation is wrong. He further contends that respondent no.3, the selected candidate, has only a Diploma in Management and is not a degree holder.

On the other hand, Ms. Deepali Puri, Advocate, contended that the recruitment notice clearly stipulates that a candidate is required to have

a degree of Masters in Business Administration and there was no provision for recognizing any equivalent qualification. She further contended that since the petitioner does not fulfill the requisite qualification, therefore, his candidature has rightly been rejected. She further draws the attention of the Court to Annexure P-9, a degree issued by the Indira Gandhi National Open University which provides that respondent no.3 has been awarded a degree of Masters in Business Administration.

Sh. V.K.Sachdeva, Advocate, has also supported Ms. Deepali Puri, Advocate.

Recently, Hon'ble the Supreme Court in *Anand Yadav and others Vs. State of Uttar Pradesh and others, 2020 SCC Online SC 823* has held that the courts while exercising the powers of judicial review cannot be expected to sit in appeal against the decision of the recruitment agency or the employer. It has further been held that the question of equivalence of qualification for recruitment is a matter which should be left to the employer, recruitment agency and the experts.

In the present case, the petitioner admittedly does not possess a degree of Masters in Business Administration. The petitioner is only having a degree of Masters in Management Science. Still further, the recruitment notice does not provide for recognizing any equivalent qualification.

Similarly, the next argument of learned counsel for the petitioner is also without substance as from bare reading of the degree awarded by the Indira Gandhi National Open University to respondent no.3, it is apparent that he was awarded a Degree of Masters in Business Administration. No doubt, in the opening part, it has been mentioned that respondent no.3 has competed Diploma in Management/Advanced Diploma

in Management/Diploma in Marketing Management and other requirements, however, degree of Masters in Business Administration has been specifically awarded to respondent no.3. In the absence of any material to the contrary, once respondent no.3 has specifically been awarded a Degree of Masters in Business Administration, this Court does not find it appropriate to assume that respondent no.3 is only a Diploma Holder.

In view of the aforesaid facts, this court does not find it appropriate to exercise the writ jurisdiction.

Hence, disposed of.

February 08, 2021

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)
JUDGE

: Yes/No

: Yes/No