

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

217(1)

**CWP-16590-2020 (O&M)
Date of Order:27.01.2021**

SATENDER KUMAR

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshwav Gupta, Advocate,
for the petitioner.

Ms. Kirti Singh, Deputy Advocate General, Haryana

Mr. Kanwal Goyal, Advocate, for respondent no.3.

ANIL KSHETARPAL, J(Oral)

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

The petitioner has filed this writ petition under Article 226 of the Constitution of India praying for the following relief:-

- “A. *Issue a writ in the nature of Mandamus or Certiorari thereby quashing the impugned rejection letters dated 5.10.2020 (Annexure P-9) issued by the respondent no.3 rejecting the candidature of the petitioners for the post of Horticulture Development Officer in Horticulture Department and direct for the respondents to consider the petitioner as eligible and fully qualified for the post of Horticulture Development Officer in Horticulture Department and any other appropriate order or directions as this Hon'ble Court deems fit.*
- B. *In the interim, it be directed that the petitioners be provisionally interviewed for the post of Horticulture Development Officer in Horticulture Department.”*

On 08th October, 2020, the following order was passed:-

“Learned counsel for the petitioner submits that pursuant to advertisement dated 29.12.2018 (Annexure P-4) for recruitment to 96 posts of ‘Horticulture

Development Officer (Class-II) in Horticulture Department, Haryana, the petitioner applied for the same. The educational qualification as prescribed for the said post was as follows:

“Degree in B.Sc. Agriculture (Hons.) with Horticulture as one of the subjects or B.Sc. Horticulture, from any recognized university.”

The learned counsel for the petitioner submits that he has passed B.Sc. Agriculture, which is a four years course from Vasantrya Naik Marathwada Agricultural University, Parbhani. It is submitted that a controversy had earlier arisen as to whether B.Sc. Agriculture is equivalent to B.Sc. (Hons.) and that the said controversy was set at rest by Division Bench of this Court in LPA No.1638-2014 (Annexure P-8) wherein it was held that a degree of B.Sc. Agriculture (4 years) is equivalent to B.Sc. (Hons.) in Agriculture. Learned counsel has however, added that the aforesaid decision was taken on the basis of an affidavit furnished to Joint Director Administration, Directorate of Horticulture, Panchkula.

Learned counsel has also drawn the attention of this Court to Annexure P-1 which is a report of a committee constituted by Indian Council of Agricultural Research wherein a uniform nomenclature of “B.Sc. (Hons.) Agriculture” has been recommended for B.Sc. (Agriculture), B.Sc. (Agriculture) Honors and B.Sc. (Honors) Agriculture.

Learned counsel for the petitioner has submitted that somehow respondent No.3 rejected the candidature of the petitioner and conveyed the same to the petitioner vide letter dated 4.9.2020 (Annexure P-6). The relevant extract from the said intimation reads as follows:

“Your candidature for the post cited as subject has been considered by the commission and rejected on the ground that you do not possess the requisite qualification as per advertisement i.e. Degree in B.Sc. Agriculture (Hons.) with Horticulture as one of the subjects.”

It is contended that although the petitioner made a representation against requirement of his candidature but even the said representation came to be rejected as has been conveyed vide letter dated 5.10.2020 (Annexure P-9).

Learned counsel for the petitioner has submitted that upon oral queries made by the petitioner he has come to know that his candidature has been rejected as he does not possess a degree of B.Sc. (Hons) Agriculture and possesses a degree of B.Sc. Agriculture only.

I have considered the aforesaid submission. Although prima facie it does appear that the degree of B.Sc. (Hons) Agriculture is being treated equivalent to B.Sc. Agriculture, but the real controversy, in opinion of this Court is as to whether it can be said that one of the

subjects B.Sc. Agriculture was "Horticulture". The learned counsel for the petitioner has drawn the attention of this Court to one of the subjects mentioned in 4th semester which is "Breeding of Field and Horticultural Crops" and also to a subject in 7th semester which is referred to as "Horticulture".

Notice of motion for 19.11.2020.

At this stage Mr. R.S.Budhwar, Addl. AG, Haryana to whom an advance copy of the petition had already been furnished, accepts notice on behalf of respondents.

The respondents in their reply shall furnish definite information as to whether the subjects taken by the petitioner in B.Sc. Agriculture can be said to be subjects of "Horticulture" so as to say that he has a degree of B.Sc. Agriculture with "Horticulture" as a subject. If deemed appropriate, it shall be open to the respondents to seek opinion in this regard from Indian Council of Agricultural Research, as seems to have been done earlier.

Since it has been stated that the interviews are being conducted today, therefore, respondent No.3 shall interview the petitioner as well, if conveniently possible."

On 19th November, 2020, Haryana Public Service Commission was directed to produce the result of the petitioner in a sealed cover.

Today, the result has been produced. On perusal thereof, it is apparent that the petitioner has failed to score sufficient marks to get selected. It has been pointed out that the final score of the petitioner is 49.555 marks, whereas, the last recommended scheduled caste candidate of Haryana has scored 55.345 marks. A copy of the result of the petitioner is kept on record.

In view thereof, the present writ petition has been rendered infructuous and is disposed of as such.

January 27, 2021
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No