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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.30748 OF 2015

AND

M.P.NOS.1 AND 2 OF 2015

R.Ashwin Raj Kumar

...Petitioner

Vs.

1. Institute of Banking Personnel Selection (IBPS),
IBPS House, 90 Feet D.P.Road,
Kandiwali (E), Mumbai - 400 101.
Rep. by its Director.
2. Corporation Bank,
Human Resources Department,
Manpower Planning & Recruitment Section,
Mangaladevi Temple Road,
Mangalore - 575 001.
Rep. by its Deputy General Manager.
3. Union Bank of India,
Union Bank Bhavan,
239, Vidan Bhavan Marg,
Nariman Point,
Mumbai - 400 021.
4. Syndicate Bank,
Personnel Department,
Human Resources Development Division,
Manipal - 576 104.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent in Ref.No.HRD/MPRS/358:2015 dated 06.08.2015 and quash the same and direct the second respondent herein to forthwith appoint the petitioner as Agricultural Field Officer, Scale-I, pursuant to his selection and grant him all consequential benefits.



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For Petitioner : Mr.M.Ravi
For Respondents 1 & 3 : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
For Respondent 2 : M/s.S.Sethuraman
For Respondent 4 : NA

ORDER

The writ on hand has been initiated questioning the validity of order passed by the 2nd respondent dated 06.08.2015.

2. With reference to the recruitment to the post of Agricultural Field Officer (Scale-1), the learned counsel for the respondent brought to the notice of this Court that the issues raised in the writ petition are no more res integra and reached finality, in view of the Judgment of the Honourable Supreme Court in the case of Zonal Manager (Bank of India) vs. Aarya K. Babu and Another reported in (2019) 8 SCC 587.

3. With reference to the very same notification dated 06.08.2015, the matter went up to Supreme Court and the Honourable Supreme Court has allowed the Appeal filed by the Bank of India. Relevant observation of the Judgment in Appeal observations of the Apex Court reads as follows:

'3. In the instant fact situation, the Notification dated 17-11-2014 was issued calling for applications from interested candidates for the different posts that were advertised therein. The consideration herein relates to the recruitment for the post of Agricultural Field Officer (Scale-1). The private respondents in both these appeals are applicants for the said post. The process of selection was undertaken and the private respondents in both these appeals were provisionally selected, subject to verification of their documents and were accordingly allotted by IBPS to the respective appellant Banks herein. However, the selection of both the private respondents was cancelled on the ground that the private respondents herein did not possess the qualification prescribed in the notification for appointment. It is in that regard the private respondents claiming to be aggrieved by such action were before the learned Single Judge of the Kerala High Court assailing the termination orders in the respective writ petitions as taken note above.



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8. The qualification prescribed for the post of Agricultural Field Officer (Scale-1) as issued under the Notification dated 17-11-2014 which is the subject-matter herein, is as hereunder:

"4-year degree (graduation) in Agriculture/Horticulture/Animal Husbandry/Veterinary Science/Dairy Science/Agri Engineering/Fishery Science/Pisciculture/Agri Marketing & Co-operation/Co-operation & Banking/Agro-Forestry."

(emphasis supplied)

12. Though we have taken note of the said contention we are unable to accept the same. We are of such opinion in view of the well-established position that it is not for the Court to read into or assume and thereby include certain qualifications which have not been included in the notification by the employer. Further the rules as referred to by the learned counsel for the respondents is pointed out to be a rule for promotion of officers. That apart, even if the qualification prescribed in the advertisement was contrary to the qualification provided under the recruitment rules, it would have been open for the candidate concerned to challenge the notification alleging denial of opportunity. On the other hand, having taken note of the specific qualification prescribed in the notification it would not be open for a candidate to assume that the qualification possessed by such candidate is equivalent and thereby seek consideration for appointment nor will it even be open for the employer to change the requirements midstream during the ongoing selection process or accept any qualification other than the one notified since it would amount to denial of opportunity to those who possess the qualification but had not applied as it was not notified.

16. Further it is not for the Court to provide the equivalence relating to educational qualifications inasmuch as the said issue has been settled by the Constitution Bench of this Court in the decision relied upon by the learned counsel for the appellants in Mohd. Shujat Ali v. Union of India wherein it is held that the question in regard to equivalence of educational qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards and practical attainments



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of such qualifications and where the decision of the Government is based on the recommendation of an expert body which possesses the requisite knowledge, skill and expertise for adequately discharging such a function, the Court, uninformed of relevant data and unaided by the technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government.

19. Subject to the above observations, both the appeals are allowed with no order as to costs. All pending applications stand disposed of.''

4. In view of the Judgment of the Honourable Supreme Court, no further adjudication needs to be undertaken with reference to the grounds raised in the writ petition. Accordingly, the writ petition stands dismissed. No Costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ab/Jeni

To

1. The Director.
Institute of Banking Personnel Selection (IBPS),
IBPS House, 90 Feet D.P.Road,
Kandiwali (E), Mumbai - 400 101.
2. The Deputy General Manager,
Corporation Bank,
Human Resources Department,
Manpower Planning & Recruitment Section,
Mangaladevi Temple Road,
Mangalore - 575 001.
3. Union Bank of India,
Union Bank Bhavan,
239, Vidan Bhavan Marg,
Nariman Point,
Mumbai - 400 021.



4. Syndicate Bank,
Personnel Department,
Human Resources Development Division,
Manipal - 576 104.

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+1cc to Mr.M.Ravi, Advocate, S.R.No.34010

+2ccs to M/s.T.S.Gopalan & Co, Advocate, S.R.No.33930

W.P.No.30748 of 2015

SSN(CO)

PM/23/06/2022