



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 02.02.2022
DELIVERED ON : 17.03.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.9042 of 2015

and

M.P. (MD)Nos.1, 2 & 3 of 2015

M.Rajeshwari

... Petitioner

vs

1. The Institute of Banking Personnel Selection,
(Recruitment of Specialist Officers in
Participating Organization)
represented by its Director,
IBPS House, 90 Feet, D.P.Road,
Near Thakur Polytechnic
Off.Western Express Highway,
P.O.Box No.8587,
Kandivali, Mumbai - 400 101.

2. The General Manager (HR),
Union Bank of India,
Central Officer, Union Bank Bhavan,
239, Vidhan Bhavan Marg,
Mumbai - 400 021.

3. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order issued by the second respondent in his proceedings in DP.REC:3754:15, dated 26.05.2015 and quash the same as illegal.

For Petitioner : Mr.Mohammed Imran
for M/S.Ajmal Associates
For Respondents : Mr.S.Raja
for Mr.K.M.VijayaKumar for R1
Mr.Anand Gopalan
for Mr.T.S.Gopalan & Co for R2
Mr.A.Thirumurthy for R3

O R D E R

The writ petitioner has challenged this petition to quash the impugned order, dated 26.05.2015 through the impugned order, the provisional appointment granted to the petitioner was cancelled.



2.The petitioner is qualified in Bachelor of Technology (Bio Technology) and has completed the same in Tamil Nadu Agricultural University, Coimbatore within the duration of four years. The Transfer Certificate issued by the said University is Bachelor of Technology (Bio Technology). The claim of the petitioner is he had completed a Degree in Agriculture and the nomenclature is different. The petitioner completed U.G. Degree on 21.04.2012 and was eagerly awaiting for his employment. The first respondent has issued a notification on 17.11.2014 for common recruitment process for recruiting Specialist Officers in participating Organization (CRPSL-IV). The selection process consists of written examination and oral interview and 80 marks was allocated for writ examination and 20 marks for oral interview and the examination is through online mode. In pursuant to the said notification, the petitioner applied for the post of Agricultural Field Officer (Scale-I) for which, as per the notification, the qualification is as follows:

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

3.Since the petitioner has studied Bachelor of Technology (Bio Technology), the petitioner contented that the same is equivalent to a degree in Agriculture. The third respondent University has also certified that the degree Programme in B.Tech. (Bio Technology) is a degree of Agriculture. In G.O.Ms.No.190, Agriculture (AP.6) Department, dated 16.05.2007 notifies the Bachelor of Technology in Bio Technology as a professional educational courses in Agricultural Institutions. The petitioner has secured 34.60 marks (combined score) and the cut off prescribed for the post of Agriculture Field Officer is 34.20. Therefore, the petitioner comes under the zone of consideration. Since the petitioner was successful in the selection process, the petitioner was allotted a post provisionally by the second respondent Bank and has called for certificate verification. After scrutinizing the certificates, the second respondent, vide order, dated 17.04.2015 issued an order of offer for appointment to the post of Rural Development Officer (Specialized Segment) in JMGS-I under reserved (OBC) category. As per the notification, the post is Assistant Field Officer and the same varies in respect of each Bank. In respect of second respondent Bank, the post is Assistant Field Officer is also called as Rural Development Officer. After the offer letter for an appointment, the petitioner was awaiting for the mandatory Induction Training. The second respondent vide the impugned proceedings dated 26.05.2015 and has withdrawn the offer of appointment letter dated 15.05.2015, on the ground that the petitioner's qualification does not match with the educational qualification stipulated under notification dated 17.11.2014. Aggrieved over the same, the present writ petition is filed. This Court has granted the interim stay in M.P.(MD)No.1 of 2015 dated



23.06.2015.

4.The second respondent has filed a counter affidavit along with the Vacate Stay petition. The first respondent in the writ petitioner is a Public Trust registered under the Bombay Public Trust Act, 1950. The first respondent provides expert services in the areas of Recruitment, placement and promotion to the member organizations. Whenever, any vacancy arises, the Bank would inform such vacancy and the requirements to fill that vacancy. The eligibility criteria like educational qualification, age etc. are prescribed by the first respondent based on the Government of India guidelines. The first respondent gives a detailed advertisement, notification and also prescribes eligibility criteria, terms and conditions. The education qualification prescribed in the present case was decided by the participating organizations on the basis of clarification given by the Ministry of Agriculture, Government of India. The clarification states that Bio-Technology, Home Science, Food Processing and Forestry may not be treated as requisite qualifications for the recruitment of Agricultural Field Officers under the Banking Sector.

5.On 17.11.2014, a notification was issued inviting eligible candidates to apply for the post of Agricultural Field Officer, Scale I and the notification prescribes specific Courses. Based on the applications and declarations, the process of selection was made electronically in the matter of calling the candidates to appear for the examination. Based on the evaluation of papers and based on the results of the written examination, the candidates would be called for interview. In the instant case, based on the declaration, the writ petitioner was permitted to take the written test and she went through the Selection process of attending the interview. Based on the marks obtained by him in the written test and her performance in the interview, the first respondent informed the bank about her eligibility. Thereafter, the Bank has issued the offer of order of appointment and directed her to report for the mandatory Induction Training with effect from 01.06.2015. The offer of appointment, dated 17.04.2015 explicitly provided that it was provisional in nature and it was subjected to the writ petitioner submitting all the required documents in support of her eligibility and the same being found in the order. In terms of clause-7 of the provisional offer of appointment, the writ petitioner was also issued with a letter dated 15.05.2015 directing the petitioner to report of the mandatory Induction Training for the post of Rural Development Officer, Grade-I. It was much later that the documents of the writ petitioner was received by the Bank from the first respondent recruiting body. A perusal of the same revealed that the writ petitioner had obtained B.Tech. in Biotechnology and not any one of the qualifications which were prescribed in the online application form. In the online application filled by the writ petitioner, had mentioned that qualification to be Graduation in Agriculture. Based on the communication of the writ petitioner, the offer letter



was sent.

6. On perusal of the certificate, the offer of the appointment was withdrawn. The petitioner after receiving the withdrawal letter, belatedly approached the Court and obtained an Interim Stay of the communication, dated 26.05.2015, with the direction to permit the writ petitioner to participate in the Induction Training. The Bank approached the Regional Officer and sought direction based on the Interim order. As the training has commenced as early as 01.06.2015, and was concluded on 20.06.2015, since the interim order is after the training was over the second respondent was not in a position to permit the writ petitioner for the Induction Training. The writ petitioner ought to have reported at Bangalore for Training and not the Regional Officer at Chennai. The writ petitioner threatened to proceed against the Bank by way of Contempt. Therefore, the Bank has preferred a writ appeal in W.A.(MD)No.892 of 2015 against the Interim order, dated 12.06.2015. The Division Bench observed that it was only an interim direction and as the training had already been completed, the Bank could approach the Writ Court by way of Vacate Stay Petition. Hence, the present Vacate Stay petition is filed by the Bank.

7. The first respondent which is a Recruitment Body has called for applications for various posts in 22 Nationalized and Private Banks categorically mentioned the qualification that was required to be possessed by the interested candidates for the post of Agricultural Field Officer Grade-I. The online application also provided options only to choose the prescribed educational qualification, whereas, the writ petitioner gave a false declaration of holding a degree in Agriculture, while the writ petitioner was holding a degree in Biotechnology. For the same issue, similar writ petition was filed before the High Court of Bombay at Nagpur in W.P No.3829 of 204, Sachin Narnaware vs. IBPS, Union of India & others that the basis of eligibility claimed by the candidate petitioner was equivalence granted by State of Maharashtra to the two degrees. i.e., B.Sc., Agriculture Bio-Technology and B.Sc., Agriculture. It was held by the High Court that it would not be in a position to grant equivalence to the said two degrees, since it would not be proper on the part of the Court to interfere with the job requirements of participating Organizations. Another Division Bench of High Court of Allahabad in writ petition No. 23670 of 2015- Yogendra Singh Kushwaha vs Union of India & others has held that the candidates are required to have educational qualification as per the advertisement in question for the concerned post which cannot be equated or replaced with other qualification for any reason. Therefore, the Bank prayed to dismiss the writ petition.

8. The first respondent has filed a detailed counter affidavit where the first respondent has stated that based on the declaration of the writ petitioner, the petitioner was called for interview. The writ petitioner has not produced the original documents and certificates it was



found that the qualification is not as prescribed in the notification. The first respondent relied on a Division Bench Judgment of Honourable Allahabad High Court in W.A.(MD)No.44934 of 2013, dated 30.04.2015 in Gaurav Singh vs. Union of India & others, where it has been held that

"the candidates are required to have educational qualification exactly as per advertisement in question for the concerned post which cannot be equated or replaced by any other qualification for any reason" and the Honourable Supreme Court in P.Mahendran & others vs. State of Karnataka, (1990) 1 SCC 411, where it has been held that "If a candidate applies to a post in response to an advertisement issued by the Commission in accordance with the Recruitment Rules, he acquires a right to be considered for selection in accordance with the existing Rules. This right cannot be affected by amendment of any Rules unless the amending Rule is retrospective in nature. This would mean that the selection process once set in motion has to be within the terms and conditions of the advertisement and therefore, change in the qualification once prescribed is impermissible for alteration, unless notice is issued to all the candidates and the rule is retrospective in nature".

9.Heard Mr.Mohammed Imran, learned Counsel appearing for the petitioner, Mr.S.Raja, learned Counsel appearing for the first respondent, Mr.T.S.Gopalan & Co, learned Counsel appearing for the second respondent and Mr.A.Thirumurthy, learned Counsel appearing for the third respondent.

10.The contention of the petitioner is that since he has done four years degree Course in Bio-Technology which is equivalent to four years B.SC., Agriculture degree and that Bio-Technology is in Agricultural field, then the petitioner's candidature ought to be considered equivalent to B.SC., Agriculture. The same issue and same notification was dealt in W.P.(MD)No.8030 of 2015 in **Pallavi vs Government of India reported in 2016 SCC Online Bombay 160**, where it has been stated as under:

"Therefore, in our considered view, neither we can consider the prayer of the petitioners to treat the qualification possessed by them equivalent to 4 years Degree (graduation) in Agriculture, which is mentioned in the advertisement, nor the petitioners are entitled for equitable relief. Since we have reached to the conclusion as aforesaid, it is not necessary for us to consider ancillary and incidental issues raised by the parties".

In that case also, the writ petitioner had completed B.Sc. Bio-



Technology Degree Course and the Court has held that it is not equivalent to the qualification mentioned in the notification. In fact, the same notification was challenged in the said writ petition.

11. Therefore this Court is of the considered view since the petitioner has undergone **four years Course** and the same cannot be considered as equivalent to B.Sc., Agriculture, since the petitioner has undergone Bio-Technology Agriculture and the same cannot be considered as equivalent to B.Sc., Agriculture. Moreover, this Court is not sitting as an Equivalence Committee for considering equivalence. Moreover the issue has already been settled by the Hon'ble Bombay High Court while considering the same notification of recruitment in W.P.(MD)No.8030 of 2015 in **Pallavi vs Government of India reported in 2016 SCC Online Bombay 160**, therefore, the claim of the petitioner is rejected.

12. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-12775[F] dated 17/03/2022)

+1 CC to M/s.T.S.GOPALAN & CO, Advocate (SR-12646[F] dated 17/03/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-13129[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-12949[F] dated 18/03/2022)

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17.03.2022

RS (24.03.2022) 6P-5C

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