

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.754 of 2023

In

Civil Writ Jurisdiction Case No.1031 of 2018

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Suman Kumar, Son of Bhushan Prasad, Resident of House no. 45, Village Daldli Chak, Dehra, Nalanda, PS Harnaut, Distirct Nalanda, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.
3. The Agriculture Director, Department of Agriculture, Bihar,
4. The Principal Secretary, Department of Agriculture, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Mihsra, Advocate
Mrs. Manini Jaiswal, Advocate
Ms. Ankita Kumari, Advocate

For the State : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Rajat Kumar Tiwary, AC to AAG-13

For the BSSC : Mr. Satyam Shivam Sundaram, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2023

The appellant is aggrieved with the rejection of his candidature, for non-consideration of the specific qualification obtained by him, which he asserts is equivalent to the qualification required as per the notification issued by the Bihar Staff Selection Commission for selection to the post of Agriculture Coordinator.



2. The appellant possessed the certificate of B.Tech (Dairy & Food Technology) which he claims to be equivalent to the degree of B. Tech (Dairy Technology) as required in the advertisement dated 04.05.2015. It was contended that only the nomenclature was changed and on a cross verification of course curriculum, it is evident that both the courses are imparted on the very same curriculum and that the University from where the appellant qualified has certified that the course in B.Tech (Dairy and Food Technology) is similar to one in B.Tech (Dairy Technology). Reliance was also placed by the appellant to the case of ***Zonal Manager, Bank of India v. Aarya K. Babu, (2019) 8 SCC 587.***

3. The learned Single Judge found that the grant of equivalence is an administrative function which the administrative authority has to decide on the basis of expert opinion. Courts would be loath to interfere in such matters of equivalence and would be slow in granting equivalence where there is none-obtained.

4. In fact, ***Aarya K. Babu*** (supra) was on similar circumstances where a course in Forestry was held to be identical to the Graduate Course in Agriculture for the purpose of appointment to the posts of Agricultural Officers in a



Nationalized Bank by the High Court. The Hon’ble Supreme Court found that Courts cannot provide equivalence and in any event, the qualifications obtained by the writ petitioners were not specified in the advertisement even when, for the next year the very same qualification was considered as equivalent to the Graduate qualification in Agriculture. The Hon’ble Supreme Court refused to interfere with the termination of the petitioners therein.

5. Insofar as the continuance of one of the petitioners, in *Aarya K. Babu* (supra), the Hon’ble Supreme Court had invoked the powers under Article 142 of the Constitution of India and such powers are not available to the High Court.

6. We perfectly agree with the judgment and reasoning of the learned Single Judge and dismiss the Letters Patent Appeal.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sunil/-

AFR/NAFR	
CAV DATE	
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