
(1984) 05 RAJ CK 0017

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1024 of 1984

Anil Kumar Agarwal

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 18-05-1984

Acts Referred:

Constitution of India, 1950 — Article 311

Citation : AIR 1985 Raj 94 : (1984) RLW 391 : (1984) WLN 337

Hon'ble Judges : D.P. Gupta, J

Bench : Single Bench

Advocate : S.L. Jain, for the Appellant; R.P. Dave, Dy. Govt. Advocate, for the Respondent

Judgement

Dwarka Prasad, J.—The writ petition was taken up for final hearing with the consent of the learned counsel. The petitioner applied to the Rajasthan Public Service Commission, Ajmer (hereinafter called "the Commission") for appearing at the examination for R. A. S. and other allied services. The petitioner's form was accepted and the petitioner appeared at the written-test and also at the interview conducted by the Commission. The petitioner was also selected and the Commission recommended the name of the petitioner to the State Government for appointment to the R. A. S. Thereafter, the petitioner was asked by the Commission by the letter dt. Nov. 11, 1983 to furnish the M. B. A. Degree and its true copy within 20 days. The petitioner submitted that M. B. A. Degree has not been received by him from the University of Jodhpur, but the marks-sheet of the M. B. A. Final Examination 1982 of the University of Jodhpur showing that the petitioner passed in the First Division had already been submitted by him to the Commission. Then on Feb. 14, 1984 the Commission informed the petitioner that as he did not furnish the requisite documents according to its letter dt. Nov. 11, 1983, the result of the petitioner was cancelled and the recommendation made by the Commission to the State Government was also withdrawn. The present writ petition has been filed against the aforesaid order of the Commission dt. Feb. 14, 1984.

2. The petitioner's case is that he had obtained a B.Sc. Degree from the University of Jodhpur in the year 1978 in the First Division and thereafter he passed the M. B. A. Examination of the University of Jodhpur in the year 1983 also in the First Division. According to the petitioner the marks-sheets of both the examinations as also the B. Sc. degree have already been furnished by the petitioner to the commission. The minimum qualification for admission to the R. A. S. and other allied services Examinations 1982 was a bachelor's degree in Arts, Science, Agriculture, Commerce, Engineering or a degree in Technology. As the petitioner was already possessed of a B.Sc. degree of the University of Jodhpur, he fulfilled the minimum qualification prescribed for appearing at the entrance examination for R. A. S. and other allied services. The M. B. A. degree was obtained by the petitioner by way of additional qualification. The petitioner informed the Commission that M. B. A. degree has not been received by him from the University of Jodhpur and he has already sent a statement of marks obtained by him in the M. B. A. examination.

3. If it be held that the production of the degree and its copy was absolutely necessary, then it must be pointed out that obtaining of M. B. A. degree by the petitioner was only by way of an additional qualification and as the petitioner already fulfilled the minimum qualification prescribed for the examination, namely a bachelor's degree in Science, Arts, Agriculture, Commerce or Engineering, there is no reason for the Commission to cancel the petitioner's examination and withdraw the recommendation made by it to the State Government for his appointment to the R. A. S. The petitioner fulfilled the minimum qualification and after he was duly selected by the Commission and as his name appeared in the merit list, there is no reason for the Commission to cancel the petitioner's candidature and withdraw the recommendation made by it to the State Government.

4. Even in respect of M. B. A. degree, it has to be observed that if the University has as yet not made the degree available to the candidate, the statement of marks obtained at the M. B. A. Final Examination as furnished by the University, which has already been supplied by the petitioner to the Commission should suffice and in these circumstances, the Commission should not have insisted upon the production of a degree and its copy. The purpose of obtaining the degree is to satisfy the Commission that the candidate had passed the examination in question. The marks-sheet of the M. B. A. Examination furnished by the University, a copy of which has been placed on record as Annex. 3 should constitute sufficient compliance of the requirement in this regard so long as the degree has not been made available to the candidate by the University. A candidate could not obviously be penalised for the failure of the University to supply the degree. The marks-sheet was in the circumstances sufficient to satisfy any reasonable person that the petitioner had passed the M. B. A. Examination of the University of Jodhpur in the year 1982 in the First Division. It must be appreciated that the petitioner did all that was in his power to do and supplied the marks-sheet of M. B. A. as well as the B.Sc. degree. In any view of the

matter the petitioner was duly qualified on the basis of his B.Sc. degree and was rightly allowed by the Commission to appear at the selection.

5. It is not only distressing but also shocking that the Commission has preceded to cancel the candidature of the petitioner and to withdraw the recommendation made for his appointment to the R. A. S. in such a casual and mechanical manner without satisfying itself as to whether the petitioner fulfilled the minimum qualifications prescribed for the State Administrative Service and the Allied Services. The Commission is expected to discharge its duties in a responsible manner after carefully scrutinising the candidature of each applicant. The step taken in the present case, of cancellation of the candidature of a person after he was declared selected and his name was included in the merit list, required all the more care and caution on the part of the Commission. However, the casual and mechanical manner in which the Commission appears to have acted in the present case reflects upon its efficiency. No more need be said in this respect.

6. In the result, the writ petition is allowed. The order passed by the Rajasthan Public Service Commission, Ajmer dated February 14, 1984 is quashed and the Rajasthan Public Service Commission and the State Government are directed to act on the basis of the earlier recommendation made by the Rajasthan Public Service Commission for appointment of the petitioner to the R. A. S. in accordance with his position in the merit list.