

(2020) 01 RAJ CK 0423

In the Rajasthan High Court

Case No : Civil Writ Petition No. 14178 Of 2019

Gopal Lal Jakhar

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 28-01-2020

Acts Referred:

Rajasthan Civil Services (Absorption Of Ex- Serviceman) Rules, 1988 — Rule 6A
Rajasthan Civil Services (Absorption Of Ex- Serviceman) (Amendment) Rules, 2013 — Rule 6A

Citation : (2020) 01 RAJ CK 0423

Hon'ble Judges : Pankaj Bhandari, J

Bench : Single Bench

Advocate : Vigyan Shah, Bhagwat Singh Choudhary, Jitender Sharma

Final Decision : Dismissed

Judgement

1. Petitioner has preferred this Civil Writ Petition inter alia claiming the consideration for the post of Assistant Agriculture Officer (AAO) under the

Rajasthan Agriculture Sub-ordinate Service Rules, 1978.

2. It is contended by counsel for the petitioner that petitioner had applied in the Ex-Serviceman category. There were 30 posts reserved for the Ex-

Serviceman category in the advertisement dated 16.10.2015. No post has been filled by Ex-Serviceman and petitioner's candidature has been rejected

only on the ground that he does not possess the requisite educational qualification.

3. It is also contended that respondents have not taken note of Section 6A of Rajasthan Civil Services (Absorption of Ex- Serviceman) Rules, 1988

(for short "the Rules of 1988") as per which petitioner was eligible for the post of Assistant Agriculture Officer (AAO).

4. It is further contended that petitioner is having Higher Secondary qualification in Agriculture & Horticulture. Hence, rejection of the candidature of

the petitioner on account of not having requisite educational qualification, is dehors the Rules of 1988.

5. Counsel for the respondents contend that though petitioner's qualification is Higher Secondary and he has 15 years of service in the Armed Forces,

he cannot be considered eligible for appointment to the post of Assistant Agriculture Officer, since, he is not a B.Sc. (Agriculture) or B.Sc.

(Horticulture)(Honours) of a University established by law in India.

6. It is also contended that Section 6A of the Rules of 1988, would apply only where the minimum qualification prescribed for applying is graduation. It

is argued that in the present recruitment B.Com or B.A. candidates could not apply for the post which is of technical nature. B.Sc. (Agriculture) or

BSc. (Horticulture) (Honours), was the minimum qualification.

7. It was also pointed out that 10 marks weightage is provided for marks obtained in B.Sc. (Agriculture). If a candidate has cleared B.Sc.

(Agriculture) with Distinction, he is entitled to 10 marks, if a candidate has cleared the examination with First Division, he is entitled to 8 marks and if

a candidate has cleared B.Sc. (Agriculture) with Second Division, he is entitled to 6 marks. If a candidate has cleared B.Sc. with only pass marks, he

is entitled to 4 marks. It is contended that since petitioner is not having B.Sc. (Agriculture) or B.Sc. (Horticulture), he is not entitled to any marks on

account of academic qualifications.

8. I have considered the contentions and have carefully perused Section 6A of the Rajasthan Civil Services (Absorption of Ex- Serviceman)

(Amendment) Rules, 2013, which provides as under:-

For appointment to any vacancy reserved for Ex- Serviceman in Sub-ordinate or Ministerial Service posts, a matriculate Ex-Serviceman (which term

includes an Ex-Serviceman, who has obtained the Indian Army Special Certificate of Education of the corresponding certificate in the Navy or the Air

Force) who has put in not less than 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to the posts for

which the essential educational qualification prescribed is graduation.

9. Section 6A of the Rules in my view would apply only where graduates of all categories can apply for the posts. A graduate who has done his

graduation in Arts or Commerce, is not entitled to apply for the post advertised vide Annexure-1 that is for the post of Assistant Agriculture Officer,

for which minimum education qualification is B.Sc. (Agriculture) or B.Sc. (Horticulture) Honours of a University established by law in India. On the

same analogy, petitioner cannot be considered as he having requisite education qualification.

10. Though, petitioner is a matriculate and has completed 15 years of service in Armed Forces and is also having Higher Secondary qualification in

Agriculture & Horticulture. His education qualification may be considered equivalent only when the requisite qualification for any post is graduation

but since there is specific advertisement where the minimum qualification is B.Sc. (Agriculture) or B.Sc. (Horticulture), petitioner cannot be considered

having the requisite qualification. This is also clear from the fact that no marks is prescribed for, in the academics, if the incumbent applicant is not

having B.Sc. in Agriculture. The term graduation as mentioned in 6A of the Rules would operate only when in the advertisement itself requisite

minimum educational qualification is graduation.

11. Considering the above, I do not find any force in the present Civil Writ Petition.

12. Civil Writ Petition is accordingly dismissed. Stay application stands disposed.