
(2018) 12 RAJ CK 0216

In the Rajasthan High Court

Case No : Civil Writ Petition No. 20967 Of 2018

Harendra Phoolfagar

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 04-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0216

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Kuldeep Sharma, M.F. Baig, Abhinav Sharma

Final Decision : Dismissed

Judgement

The petitioner seeks a direction to RPSC to be allowed to participate in the interview for selection on the post of Lecturer in the subject of EAFM.

Admittedly the eligibility for the post in issue inter alia includes a post-graduate and NET/SLET/SET or a Ph.D. in lieu thereof in the subject concerned.

The case of the petitioner is that he has passed his Masters in Business Administration (MBA) as also the NET examination in the subject of Business Administration. It has been submitted that MBA being a post-graduate degree in subjects having a relation to economics and finance it be considered equivalent to a post graduate in EAFM. In support of his contention, counsel for the petitioner relied upon the judgments of this court in the case of Kailash Chandra Meena & Others Versus Rajasthan Public Service Commission & Others, SBCWP No.18837/2012 and other connected matters decided on 27.04.2013 as also on Hari Shankar Meena Versus The State of Rajasthan & Another, SBCWP No.16055/2016 decided on 21.11.2016.

Mr.M.F. Baig counsel for the respondent-RPSC submitted that the condition of eligibility for the post of Lecturer (EAFM) inter alia includes a post-graduate qualification in the subject with a good academic record as also NET/SLET or a

Ph.D. in lieu thereof therein. He submitted that admittedly the petitioner has not been a post-graduate in EAFM and does not also have a NET/SLET or Ph.D. therein. This issue of equivalence of MBA with a post graduate in EAFM is not a matter which can be adjudicated by this court as the issue is best left to academic experts duly qualified for the purpose. Mr.Baig further submitted that judgment of this court in the case of Kailash Chandra Meena & Others (supra) is irrelevant on facts to the issue agitated in this petition. Therein the fact was that the RPSC itself had declared a M.Com as equivalent to MBA with functional and related area/MMRM/MIB/MMS. And this declaration of equivalence was preceded by the report of a 3 member expert committee, approved by the State Government and thereafter by the University. Such facts did not obtain in the present case. Mr.M.F.

Baig submitted that in this view of the matter the petition is without any legal foundation be dismissed.

Heard. Considered.

The advertisement for appointment of Lecturer in EAFM requires as a post-graduate eligibility qualification in the subject concerned with a good academic record as also NET/SLET or Ph.D. in lieu thereof in the subject. The subject of EAFM is distinct from MBA. Whether the two are equivalent as the petitioner would contend is not for this court to address and adjudicate. The issue lies in the domain expertise of the concerned academic experts.

The petitioner admittedly has only passed the MBA as also NET in Management Studies and not read for EAFM qualifications at the post-graduate level or NET/SLET/Ph.D. level. The reliance on the case of Kailash Chandra Meena & Others (supra) is inappropriate for reasons set out by Mr.M.F. Baig.

As far as reliance on the case of Hari Shankar Meena (supra) is concerned, I am of the considered view that the judgment of this court does not set out any ratio decidendi to be followed by this court in the instant case. Therein it was merely directed that an expert committee be constituted for determining equivalence of two distinct and different qualifications. I am of the considered view that it is for the petitioner to file a representation claiming equivalence, if so advised. There is no necessity in law for this court to exercise its jurisdiction to buttress any such representation which the petitioner may desire to make.

The up shot of the aforesaid discussion is that the petition is without legal foundation and is accordingly dismissed.