

(2008) 05 RAJ CK 0042

In the Rajasthan High Court

Case No : Civil Writ Petition No"s. 15, 18, 19, 20, 172 and 179 of 2002

Jay Prakash Pandya

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 29-05-2008

Acts Referred:

Citation : (2008) 3 WLN 417

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Judgement

Gopal Krishan Vyas, J.—In all the above six writ petitions, the petitioners were appointed on the post of Laboratory Assistants in accordance with the Rajasthan Education Subordinate Service Rules, 1971 on the basis of their qualification on substantive basis.

2. The claim of the petitioners is that the respondents are not releasing increments of the petitioners under under the Rajasthan Civil Services (Revised Pay Scale) Rules, 1989 w.e.f. 01.09.1988 and under the Rajasthan Civil Services (Revised Pay Scale) Rules, 1998 w.e.f. 01.09.1996 respectively. Although the petitioners were appointed as per their qualification, which is Higher Secondary (Agriculture) from the Board of Secondary Education Ajmer, Rajasthan.

3. It is stated at Bar by learned Counsel for the parties that the controversy involved in this case is squarely covered with the judgment passed by Hon"ble Division of this Court reported in RLW 1995 (1) (Raj.) 222 wherein the Hon"ble Division Bench has held as under:

9. The syllabus/course of study framed by the Sheep and Wool Training Institute, Jaipur for the trainee prescribes the minimum requisite and essential qualification for training of 8 months course of Stock Assistance. According to it the candidate applying for the training should have passed Higher Secondary Examination from the recognised Board along with Biology and Agriculture Science. If the advertisement issued on 20.08.1991 failed to mention agriculture science as an

essential qualification the appellant's candidature could not have been rejected. The advertisement should have been in accordance with syllabus. Apart from it the advertisement used the word "science". The word "science" is always used in a broader sense. It has many branches viz. Physics, Chemistry, Botany, Zoology, Agriculture, Home Science, Mathematics and many others.

10. Admittedly, the appellant has passed his Higher Secondary Examination having Agriculture, Animal Husbandry and Biology as optional subjects. The Sheep and Wool Department is primarily concerned with animal husbandry and agriculture. The appellant having this qualification with him could not have been denied admission for admission in the said Institution.

While considering the expression "science", this Court further held as under:

11. The word "Science" has been explained in the Webster's Dictionary as a branch or department of systematized knowledge, knowledge classified and made available in work, life, or the search for truth; knowledge obtained and tested through use of the scientific method. Such knowledge concerned with the physical world and its phenomena; a branch of study that is concerned with observation and classification of facts and especially with the establishment or strictly with the qualitative formulation of verifiable general laws chiefly by induction and hypotheses; a system based or purporting to be based upon scientific principles.

12. The word "Science" has not been defined anywhere. Science as such cannot be treated as a particular subject of study of physical, chemical and animal world. Agriculture is a branch of science and in popular parlance it is known as agriculture science. It is a science.

13. If the candidate having passed in mathematics subject has been accepted by the Institute for training, treating it to be a science then how the petitioner was denied admission when he had passed his Higher Secondary examination with agriculture science which was more essential for Sheep and Wool Training Course.

4. In this view of the matter, it is contended by learned Counsel for the petitioners that the qualification acquired by the petitioners has been held to be equivalent with the Higher Secondary Examination (Science).

5. Therefore, while following the above judgment, these writ petitions are disposed of with the directions to the respondents that the petitioners may be released increments w.e.f. 01.09.1988 under the Rajasthan Civil Services (Revised Pay Scale) Rules, 1989 and w.e.f. 1.9.1996 under the Rajasthan Civil Services (Revised Pay Scale) Rules, 1998 with all consequential benefits while considering the aforesaid judgment within a period of three months from the date of filing of certified copy of this order.