
(2015) 03 UK CK 0076
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 110 of 2015

Navraj	Vs	APPELLANT
State of Uttarakhand and Others		RESPONDENT

Date of Decision : 26-03-2015

Acts Referred:

Citation : (2015) 03 UK CK 0076

Hon'ble Judges : K.M. Joseph, C.J. and V.K. Bist, J.

Bench : Division Bench

Advocate : Shobhit Saharia, Advocate, for the Appellant; P.C. Bisht, Standing Counsel, for the Respondent

Final Decision : Dismissed

Judgement

K.M. Joseph, C.J.

1. The petitioner seeks the following reliefs:--

"I. a writ order or direction in the nature of mandamus commanding the Respondent No. 2 to declare the petitioner successful for appearing in the written examination for the Uttarakhand Civil Services/Upper Subordinate Services Exam, 2012.

II. Issue a suitable writ order or direction which this Hon''ble Court may deem fit and proper in the circumstances of the case."

The petitioner appeared in the examination held by the Uttarakhand Public Service Commission (hereinafter referred to as the Commission) for being selected to the posts which were notified under the State Combined Civil Services/Upper Subordinate Services. The result of the preliminary examination was declared on 03.02.2015. The cut off marks for each and every category was declared. Petitioner was not declared successful. We find that the cut off marks were 108 and 144.75 respectively in the General Category in respect of the posts of District Tourism Development Officer and Public Relation Officer. Petitioner

made an application under the Right to Information Act to the 2nd respondent seeking the reason for not declaring him successful inspite of his scoring 149 marks, which is admittedly higher than the cut off declared on 10.02.2015. It was provided in the information that the petitioner has not filled up Column Nos. 13 & 14 in his application form and in respect of the provisions of equivalency, eligibility criteria/educational qualification.

2. We have heard the learned counsel for the petitioner and the learned counsel for the Commission. The dispute narrows down to the posts which are mentioned earlier. Learned counsel for the petitioner fairly submits before us, however, that under the Rules and the advertisement the essential qualification is Graduation Degree or Diploma in Mass Communication. The petitioner admittedly has graduated in Science. Thereafter he has done post graduation in Mass Communication.

3. The learned counsel for the Commission would point out that as noted in the response to the query under the Right to Information Act, petitioner has not provided the details.

4. No doubt, learned counsel for the petitioner drew our attention to a judgment of Hon"ble Apex Court, reported in Jyoti K.K. and Others Vs. Kerala Public Service Commission and Others, . That is a case which arose from the judgment of the High Court of Kerala, where the Court had to deal with the case of a rule which provided for power to recognize a higher qualification as equivalent and, in such circumstances, the Court took the view that the possession of the higher qualification would be premised on his being qualified. There is no such rule available to come to the rescue of the writ petitioner. He has graduated in Science which cannot be treated as graduation in the subject which is required both under the rules and advertisement. In such circumstances, we see no merit in the petition. The same is dismissed. No order as to costs.