
(2013) 10 P&H CK 0103

In the Punjab And Haryana At Chandigarh

Case No : CWP No"s. 14939 and 15446 of 2011

Rakesh and Others

APPELLANT

Vs

State of Haryana and Others
 Sanjeev Kumar Vs State
of Haryana and Another

RESPONDENT

Date of Decision : 09-10-2013

Acts Referred:

Citation : (2014) 1 SCT 695

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : R.K. Malik and Ms. Kiran Rathee in CWP No. 14939, 5176 and 16607 of 2011, Mr. Anurag Goyal in CWP No. 5176 of 2011, Mr. Sandeep Sharma in CWP No. 21462 of 2012, for the Appellant; Sunil Nehra, D.A.G., Haryana, Mr. Aman Pal, Advocate for Respondent No. 3 in CWP No. 14939 of 2011, Mr. Ashwani K. Dubey and Mr. Sharad Chaudhary, Advocates for Respondent No. 4 in CWP No. 14939 of 2011, Mr. Adarsh Jain, Advocate for Respondent No. 4 in CWP No. 5176 of 2011, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Narain Raina, J.—This order will dispose of the above five cases as common questions of law and facts arise in all of them barring

CWP No. 21462 of 2012 which is somewhat different on facts but the legal issues remain similar to the rest of the bunch and has therefore been

dealt with separately at the end. For convenience, facts have been taken from CWP No. 14939 of 2011 and CWP No. 5176 of 2011. The

Subordinate Services Selection Board, Haryana issued public notice No. 3/2008 calling applications from eligible persons to fill up 54 posts of

Agriculture Development Officers and further by a subsequent public notice No. 1 of 2009, 94 further posts of Agriculture Development Officers

(Administration Cadre) (for short ADO/s") were notified to be filled by direct recruitment. The result of the examination was declared on

22.09.2010. The petitioners were selected either in Ex-servicemen (General) Category, BC-A (Ex-Servicemen) Category or BC-B categories

etc.

2. The grievance in this petition is that their candidature has been rejected after selection on the ground that on verification it was found that they do

not possess the essential qualifications advertised for the posts of ADOs i.e. B.Sc. (Hons.) in Agriculture. They have made several representations

for redressal of the grievance, but those have not been considered.

3. In the written statement filed by the State it has been stated that the services of ADOs (Administration Cadre) are governed by the provisions of

the Haryana Subordinate Agriculture (Group-C) Service Rules, 1993. The qualifications prescribed for the post of ADOs is degree in B.Sc.

(Honours) in Agriculture from any recognized university and Hindi up to Matriculation standard. The qualifications mentioned in the advertisement

are in sync with the service rules. It is admitted that the petitioners appeared for interview before the respondent Haryana Staff Selection

Commission and were selected. However the requisitioning respondent-department scrutinized the cases of all selected candidates with reference

to their essential qualifications and found on scrutiny that the petitioners did not fulfill the prescribed essential qualifications as per service rules. The

had applied after qualifying degree in B.Sc. (Agriculture) but not B.Sc. (Honours) in Agriculture Unsure of itself, a clarification was therefore

sought by the State government from the Chaudhary Charan Singh, Haryana Agriculture University, Hisar to express its views on whether the two

were equivalent. The University advised vide its letter No. 2225 dated 10.05.2011 that the advertised qualification for selection of ADOs is B.Sc.

(Hons.) and a plain degree in B.Sc. (Agriculture) cannot be equated to a degree of B.Sc. (Hons.) in agriculture. In view of this advise the

petitioners were not offered appointment as they did not fulfill the essential qualification for the post as contained in the rules and in the

advertisement. Neither the service rules nor the advertisement is under challenge in this petition. The cases have been argued on the ground of

possession of equivalent qualification to the one advertised in terms of rules.

4. It is argued on behalf of the State that the decision lies with the employer in prescribing essential qualifications for appointment to a particular post and if specific qualification is prescribed in the rules and is not met with then no discretion is left in the Government to offer or make appointments even though the Commission may have recommended names. There is no prescription in the rules and, therefore, in the advertisement that qualifications equivalent to a degree of B.Sc. (Hons.) in Agriculture would be considered. The words "or equivalent qualifications" are missing in the qualification rule for direct recruitment. Therefore, a literal interpretation has to be applied without searching for answers on equivalence or grappling with inferential and long winded arguments on equivalence as though it were a jigsaw puzzle.

5. Admittedly, the petitioners possess the degree of B.Sc. (Agriculture) obtained from the Chaudhary Charan Singh University, Meerut, U.P.

which is a course of four years duration. It is contended that in the previous selection to the post of ADOs in 2006, by the respondent State one

Kuldeep Singh who had passed B.Sc. (Agriculture) from Chaudhary Charan Singh, University, Meerut, like the petitioners was selected and

appointed. They point out that in the previous selection Government had sought advise from the Haryana Agriculture University, Hisar (HAU)

which wrote back that the answer to the question of equivalence of B.Sc. (Agriculture) may be sought from the Association of Indian Universities

(AIU). The Association of Indian Universities which appears not to be a statutory body in turn and in response had certified that B.Sc.

(Agriculture) two years course from CCS, University, Meerut is equivalent to B.Sc. (Hons.) course. On receiving this advise Kuldeep Singh was

appointed. Some other candidates as well mentioned in paragraph 8 in the petition had secured appointment as ADOs in the previous recruitment

process armed with the same degree as possessed by the petitioners. The State is thus estopped from adopting a different stand in the case of the

petitioners.

6. Mr. R.K. Malik, learned Senior Counsel appearing for the petitioners vehemently contends that candidates with the same qualification having

been appointed for the same post after taking expert opinion from various agencies would operate as enforceable precedent and past practice

which is as good as a rule itself. There would be no valid justification to depart from the earlier view taken and deny appointment to the petitioners

despite their selection by the Commission. Such act would also be discriminatory on the part of the State government.

7. The still further argument is that petitioners No. 1, 3, 4 and 5 possess even higher qualifications in the same line, since they are holders of the

degree of M.Sc. (Agriculture), they would then be no justification not to appointment them to service their names having being recommended on

merit by the Commission. Reliance has been placed on Haryana Government instructions dated 16.06.1979 which say that a person possessing

higher qualification in the same line cannot be considered ineligible.

8. To further support his submissions Mr. Malik, relies on a judgment rendered by this Court in CWP No. 10926 of 2007 in Ashok Kumar and

others Vs. State of Haryana and others, on 21.12.2007. Here was a controversy raised with respect to the qualification of M.A. Sanskrit and that

such degree was much higher in all respects in comparison to Shastri/B.A. (Honours in Sanskrit) which was the essential qualification lending

support to consideration for selection and appointment on possession of such higher degree. The decision of the earlier Division Bench in Bhagat

Singh and others Vs. State of Haryana and another (CWP No. 20186 of 2003), decided on 9.04.2004 on the subject of equivalence was

distinguished. A finding was returned that the petitioners in Ashok Kumar's case were highly qualified in the same line than the prescribed essential

qualification for the post and therefore they were eligible to hold the post of Sanskrit Teacher in the Haryana Education Department. Therefore, the

petitioners as had not passed B.A. with Honours in Sanskrit, from a recognized university could not be ruled out of consideration. On a bare

reading of the judgment of the Division Bench in Ashok Kumar's case it reveals that no argument was raised or decided in that case that the

prescribed essential qualifications did not contain a condition of equivalence with other degrees in comparison to Shastri/B.A. (Honours in

Sanskrit). The decision cannot be said to be binding precedent on the issue raised before me in this case in which the rule makes no allowance for

equivalence whatsoever.

9. In Mohammad Shujat Ali and Others Vs. Union of India (UOI) and Others, the

Supreme Court laid down the principle that the subject of equivalence of education qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards. The Court being not an expert or armed with tools to enter upon the question and determine equivalence would not proceed to undertake such a task. The matter of equivalence is decided by experts appointed by the Government, and the Court does not have expertise in such matters to enter upon a debate and dissect the issue. Hence, it should exercise judicial restraint and refrain from interfering in matters of grant of equivalence. It is an administrative and an purely academic decision. Similar view has been taken by the Supreme Court in Basic Education Board, U.P. Vs. Upendra Rai and Others, . In the present case, no material has been placed on record by the petitioners to show that the decision of the respondents not to appoint the petitioners is based on any extraneous or irrelevant considerations or actuated by mala fides or irrational and perverse or manifestly wrong.

10. Mr. Nehra, appearing for the State relies on the decision of the Supreme Court in District Collector and Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram and Another Vs. M. Tripura Sundari Devi, to contend that the requisite qualification laid down in the service rules is not possessed by the petitioners, thus there would remain no cause for interference if a particular qualification is laid down and an appointment is made accordingly, the same is a matter which lies only between the appointing authority that pays the salary and the appointee concerned. The aggrieved persons are all those who may have similar or even better qualifications than the petitioners but had shied away from applying for the post because they did not possess the qualifications mentioned in the advertisement and did not respond. The Supreme Court held in District Collector that it is a fraud on public to appoint persons with inferior qualifications in such circumstances unless it is fairly stated that the qualifications admit relaxation. No Court should be a party to the perpetuation of a fraudulent practice.

11. In the present case essential qualifications were not relaxable. Neither could other qualifications be applied as equivalent to the essential qualification in absence of a provision in the rules/advertisement that such other

qualifications would also be considered. There was no medium for the energy to pass to sustain appointment de hors rule. This decision of the Supreme Court was not brought to the notice for the consideration of the Division Bench in Ashok Kumar's case and connected matters. Therefore, it is not a precedent to be followed and applied as one of universal application and the case turns on its own facts. The thread of this argument runs across not one but several decisions of this Court relied upon by Mr. Nehra including the Division Bench decisions in Ajay Kumar Vs. State of Haryana 2004 (1) S.C.T. 888; 2004 (2) RSJ 248; Dhamandeep Singh and others Vs. Subordinate Service Selection Board, Punjab and others 2001 (1) S.C.T. 833 and in Roop Chand Vs. State of Haryana, CWP No. 12682 of 2012 decided recently on 11.07.2013 by the learned single judge.

12. In Mohd. Sohrab Khan Vs. Aligarh Muslim University and Others, the Supreme Court after noticing its previous judgments held that the advertisement which was issued for filling up the post of Lecturer in Chemistry could not have been filled by a person belonging to the subject of Industrial Chemistry when the same was not specifically mentioned in the advertisement that a Masters Degree holder in the said subject would also be suitable for being considered. There may have been intending candidates who had not applied against the advertised post, and had they known and were informed through advertisement that Industrial Chemistry is also one of the qualifications for filling up the said post they may have offered their candidature. The Selection Committee during the stage of selection, could not have midway changed the essential qualification laid down in the advertisement and at that stage hold that a Masters degree holder in Industrial Chemistry would be better suited for manning the said post without there being any specific advertisement in that regard. The very fact that the University is now manning the said post by a person from the discipline of pure Chemistry also leads to the conclusion that the said post at that stage when advertised was meant to be filled up by a person belonging to the pure Chemistry stream. To quote from para. 21 of the judgment: 21. The advertisement which was issued for filling up the post of Lecturer in Chemistry could not have been filled up by a person belonging to the subject of Industrial Chemistry when the same having been specifically not

mentioned in the advertisement that a Masters Degree holder in the said subject would also be suitable for being considered. There would have been intending candidates who would have applied for becoming candidate as against the said advertised post, had they known and were informed through advertisement that Industrial Chemistry is also one of the qualifications for filling up the said post. The Selection Committee during the stage of selection, which is midway could not have changed the essential qualification laid down in the advertisement and at that stage held that a Masters Degree Holder in Industrial Chemistry would be better suited for manning the said post without there being any specific advertisement in that regard. The very fact that the University is now manning the said post by having a person from the discipline of pure Chemistry also leads to the conclusion that the said post at that stage when it was advertised was meant to be filled up by a person belonging to pure Chemistry stream.

13. In P.K. Ramachandra Iyer and Others Vs. Union of India (UOI) and Others, , the Supreme Court held that once it is established that there is no power to relax essential qualification, the entire process of selection of the candidate was in contravention of the established norms prescribed by the advertisement. The power to relax must be clearly spelt out and cannot otherwise be exercised. Where norms of selection are laid down no power can be assumed by necessary implication to depart from the rule/ advertisement.

14. In Rajiv Kumar and Another Vs. State of Haryana and Another, the Division Bench of this Court has held that the advertised posts of lecturer in Management (Business Administration/Marketing Management) cannot be filled by person who is the holder of a degree of Master of Marketing Technology (MMT) and therefore such a candidate does not answer the essential qualification required for the advertised posts.

15. Mr. Nehra also relies on the decision of the learned single Bench in Shri Lajja Ram Sanskrit Mahavidyalya, Jind Vs. Union of India and others, (CWP No. 9204 of 2007) decided on 18.09.2012 in the matter of equivalence in the same line of argument to maintain purity of rules.

16. In Babita Rani Vs. State of Haryana and Others the Division Bench of this Court while dealing with the matter of equivalence of qualifications

held that conjectures and surmises in such matters is not for the Courts to determine. Equivalence and allied matters lie in the realm of experts for

them to determine and the Court may even not be a proper forum to comment whether study of the subject at post graduate level without studying

the same at the graduation level, would be a higher qualification or not. To quote:

22. Whether a given qualification is equivalent to or higher than the prescribed qualifications, that too on certain conjectures and surmises is not for

the Courts to determine. It is for the specialised agencies to determine equivalence of qualifications or such allied matters. This has been repeatedly

held by the Hon'ble Apex Court and reference can be made to the case of Rajendra Prasad Mathur Ors. Vs. Karnataka University and Another,

23. It is contended by the learned Advocate General on behalf of the State that these qualifications are job based and have a direct nexus to the

duties to be performed by the candidate when appointed. This is intended to strike a balance between the nature and duties of employment on the

one hand and prescribed qualifications on the other, keeping in mind the needs of the Society. The State's wisdom in this regard would hardly be

open to judicial review. Need oriented based employment is the concept which must be examined by the concerned authorities and not by the

Court. If the State has provided that studying of a particular subject at graduation level is mandatory for employment to a particular post, in that

even the Court cannot sit in judgment as to correctness or otherwise of such decision. The Court may even not be a proper forum to comment

whether study of the subject at post-graduate level without studying the same at the graduation level, would be a higher qualification or not. The

concept of higher qualification in the present case in fact hardly arise for consideration. Higher qualification presuppose lower qualification in the

same subject. Syllabi of a lower class in the same subject would constitute a higher qualification as per its syllabi in the higher class. We do not

consider it appropriate to deal with this question in any greater detail. Adherence to the prescribed qualification is an obligation of the State in

regard to employment and it is equally binding on the applicant that they must satisfy the currently prescribed qualifications for appointment to the

posts in question.

17. The argument of Mr. Malik with respect to petitioners No 1, 3, 4 and 5 who

hold the degree of M.Sc. (Agriculture) and is therefore a higher qualification than B.Sc. (Agriculture) for purposes of public appointment is misplaced as he quite misses the point that the advertised essential qualification here is not B.Sc. (Agriculture) it is B.Sc. (Hons.) in Agriculture. What may be the difference between B.Sc. (Agriculture) and B.Sc. (Hons.) in Agriculture is not the scope of examination by this Court as pressed by Mr. Malik and Mr. Anurag Goyal appearing for the petitioners since the rule/advertisement lays down emphatically, unambiguously and without doubt the degree the department needs to carry out its work and nothing can be added, subtracted or dove-tailed into or injected into the rule which is clear enough.

18. To give credit and to be fair to Mr. Malik, the learned senior counsel appearing in some of the matters, I would notice the judgment relied upon by him. This is a Division Bench decision of this Court in Dhanraj Singh Vs. State of Haryana and another; 1994 RSJ 244 in which the dictionary meaning was relied on to expound the word "equivalent". The Division Bench held that "to give a literal meaning to the stipulation as given in the advertisement that the degree in Mechanical or Automobile Engineering from a recognized university would almost amount to denial of an equal opportunity to persons who possessed an equivalent qualification to the one advertised and this perhaps could not have been intended by the employer-State of Haryana and it is precisely for this reason that the Haryana Government has not come forward to contradict the assertion made by the petitioner, the court found in that case. As also it is the Commission who had come up to contest the case. In that case the advertised qualification was degree in Mechanical/Automobile Engineering from a recognized university. The petitioner possessed the degree of AMIE obtained from the Institution of Engineers (India), Calcutta in Mechanical Engineering. AMIE degrees are recognized by the Government of India and also by the Haryana Government for appointment and promotion. Therefore, the decision followed on the above premises. It was in this sense that this Court took a view that a literal meaning would not serve the purpose. However, the finding of the Division Bench in Dhanraj Singh at any rate proceeded without contest from the Haryana Government-the employer. The decision therefore cannot be taken as one applicable to the facts

of this case and is distinguishable.

19. The argument of the petitioners based on discrimination resulting from persons having entered Haryana Government service previously with the

same qualifications as those possessed by the petitioners cannot be accepted. If a wrong has been committed in the past, it cannot be perpetuated

by this Court. This principle is by now well embedded in the foundations of law not only in service matters but in other fields as well.

20. I agree with Mr. Nehra that the opinion expressed by the Association of Indian Universities speaking through its Equivalence Division, New

Delhi, is not binding on the State Government for appointment to service under the State. In the said letter of the AIU dated 18.01.2007 while

dealing with the matter of Kuldeep Singh, it has been opined as follows:-

This has reference to your letter No. 217/Est.-2(1) dated 17th January, 2007 seeking clarification on the parity of B.Sc. Agriculture Degree with

B.Sc. (Agril.) Hons. Degree of Shri Kuldeep Singh.

It has been observed from the papers sent to us that the candidate Shri Kuldeep Singh had obtained 4 years Bachelor of Science in Agriculture

Degree in 2002 from Ch. Charan Singh University, Meerut, a Statutory University.

We would like to inform you that considering equivalence of a degree is a matter of academic expertise which can only be done by the expert (s)

of the university.

The Registrar, Ch. Charan Singh University, Meerut vide its letter No. Committee Cell/Agril/361 dated 13th September 2006 has clarified that""....

the degree of B.Sc. (Ag.) 4 year course of this university is equivalent to the B.Sc. (Ag.) Hon's Degree of any of Agriculture university. This

certificate is issued on the report of Dean of Ag. of this university.

The clarification given by the Registrar, awarding university-Ch. Charan Singh University, Meerut vide his letter dated 13th September, 2006 may

please be accepted.

21. This is so say the least far from satisfactory exposition of equivalence or an informed decision. Much more was expected from AIU and not

just a gloss over such a complex issue simplified without debate, comparison of syllabi, or other myriad factors that would go into the decision.

AIU has conveniently left the matter to the university. There is no independent

decision of AIU. The Court cannot go by what CCS University, Meerut says. They are interested party to this petition and may have reason to support the case of the petitioners for enhancing its image in the pantheon of universities.

22. Mr. Anurag Goyal, learned counsel appearing in CWP No. 5176 of 2011 has drawn attention of this Court to the certificate issued by the

Registrar, CCS. University, Meerut addressed ""To Whom It May Concern"" dated 12.07.2006 certifying that the degree of B.Sc. (Agriculture) 4

years course of that University was earlier the 3 years Honours course and therefore, both are one and the same thing and the degree of B.Sc.

(Agriculture) 4 years should be read as an Honours course of that university. The opinion of the Registrar appears to this Court mere ipse dixit and

cannot be readily accepted without anything further for this Court to puts its judicial imprimatur. It is certainly not the opinion of the Chaudhary

Charan Singh University, Meerut, which may be a statutory university but even if it were a conscious decision its opinion cannot be binding on the

respondent-State. I find no expert opinion relied upon in the letter of AIU dated 17.01.2007 to treat it as the law on the subject of equivalence.

Correspondence as relied upon by the learned counsel for the petitioners has to be ignored in the face of the stand of the respondent-State in this

petition that Government is not bound by such advice and even if irregularity or illegality was committed in the past relying bona fide on material

then presented before it. Whether the Registrar of Chaudhary Charan Singh, Haryana Agriculture University, Hisar committed error in basing his

opinion on the erroneous assumption mistaking the 4 years course with the 3 years course is neither here nor there in reaching the conclusion that

B.Sc. (Agriculture) degree awarded by Ch. Charan Singh University, Meerut cannot be equated as B.Sc. (Hons.) in Agriculture awarded by Ch.

Charan Singh, Haryana Agriculture University, HAU, Hisar cannot be made much of. In substance the decision is in order.

23. The rule of construction with respect to essential qualification deserves to be literally interpreted when there is no ambiguity without resort to

any external aid when the rule itself leaves no scope of comparison for purposes of equivalence with other degrees. Whether the degree from

CCS, University, Meerut was of three or four years duration matters little or that

the B.Sc. (Agriculture) degree earned from Chaudhary Charan

Singh University, Meerut is equivalent to the B.Sc. Agricultural (Hons.) in that University. It may be true for that location but such equivalence

cannot be foisted on the employer State of Haryana without valid reason.

24. Be that as it may, the decision of Association of Indian Universities dated 21.04.2013 (R 4/A) annexed to their affidavit in response to the

present case makes very interesting reading and deserves reproduction:-

Minutes of the Meeting in the case filed by Sh. Rakesh Kumar and others in the High Court of Punjab and Haryana in Chandigarh in which the four

years Bachelor of Science (Agriculture Degree) obtained by him from Ch. Charan Singh University, Meerut has been challenged as equivalent to

Bachelor of Science (Agriculture Degree) Honours.

The following members were present:-

1. Dr. S.A. Patel, Ex. Director IARI, (Chairman)

2. Dr. R.P. Singh, Secretary General IAUA, NASC Complex, New Delhi (Member)

Prof. R.B. Lal, Vice Chancellor, Sam Higginbottom Institute of Agriculture, Technology & Sciences, Allahabad (Member) could not attend the meeting.

The Chairman welcomed the Members present and the matter with regard to both the degrees i.e. B.Sc. (Agriculture) and B.Sc. (Agriculture)

Honours were discussed and from record it was found that both the degree are of four years duration.

The meeting ended with the Vote of Thanks of the Chair.

25. The only reason shown for equivalence of B.Sc. Agriculture and B.Sc. (Hons.) Agriculture is based on duration of course and not on content,

syllabus and other relevant factors which any reasonable expert would have taken into consideration in the decision making process. If AIU

Equivalence Committee proceeds like this it leaves much to be desired. These are all signs of crumbling institutions everywhere and of people who

man them. No expert was required for the AIU to say what it has said. The Association of Indian Universities, AIU and the Haryana Agriculture

University, Hisar were impleaded as added respondents No. 3 and 4 on the directions of this Court issued on 19.11.2012. Both the added

respondents have appeared through their counsel and have been heard. AIU has

filed its affidavit dated 18.07.2013 and have attached minutes of the meeting held on 21.04.2013 as Annexure-R4/A. The contents of which are reproduced above.

26. For the foregoing reasons, there is no merit in this petition and connected three petitions, which are accordingly dismissed. No costs.

RE: CWP No. 21462 of 2012

27. This petition is being disposed of with consent of parties by a common order as similar issues are involved in the above cases. However the

factual background being slightly different in this case it deserves to be noticed.

28. The petitioners applied in response to the advertisement No. 1/2012 dated 7.06.2012 through public notice for filling up 760 posts of Post

Graduate Teacher (Biology). The grievance in this petition also turns around advertised qualifications and their equivalent qualifications for

appointment to the post of Post Graduate Teacher (Biology). The laid down essential qualifications in the service rules called the Haryana State

Education School Cadre (Group-B Service) Rules, 2012 and the Mewat District School Education (Group-B) Service Rules, 2012 are as under:-

M.Sc. Zoology/Botany/Bio-Science/Bio Chemistry/Genetics/Micro-Biology/Plant Pathology/Bio-Technology/Life Science/Molecular Biology with

at least 50% marks provided that the applicant had studied Botany & Zoology at Graduation Level and B.Ed. from recognized university.

29. During the recruitment process a corrigendum dated 3.07.2012 was issued by the Haryana School Teacher Selection Board due to the

amendment carried out in the rules and notified on 2.07.2012 by which a transitional provision was made in the Rules by which the persons fulfilling

the conditions of essential qualifications as per old rules and the new Haryana State Education Lecturer School Cadre (Group C) Service Rules,

1998 were made eligible for recruitment as a one time measure provided that such person shall have to qualify the HTET and B.Ed. by 1.04.2015.

30. So far as this petition is concerned the amendment makes no difference because the rule still requires an M.Sc. inter alia in Botany. The old

qualifications read as follows:-

M.Sc. Biology or Zoology or Botany or Bio-Science or Bio-Chemistry of Genetics or Micro Biology of Plant Psychology or Bio-Technology with

at least 50% marks from a recognized university.

31. The petitioners possess the degree of M.Sc. Environmental Botany from the Jamia Hamdard University, New Delhi, which is approved by the

University Grants Commission by notification dated 10.05.1989. It is an "A" Graded University by the UGC and the course of M.Sc.

Environmental Botany stands approved. The only argument raised by the learned counsel for the petitioners is that once UGC has approved the

course it is binding on the State Government and it is enjoined to accept that course in offering public employment in the education sector of the

State. The issue raised in this petition directly arose before the Division Bench of this Court in CWP No. 13125 of 2012 titled Babli Vs. State of

Haryana and others and 24 connected writ petitions. The post in question in the said case was PGT Biology. The candidature of the petitioners in

that case was rejected by the respondent Board on the ground that they did not possess M.Sc. in any of the disciplines mentioned in the rule. The

subject of Life Science is included in the rules. It is the contention of the petitioners that they possess M.Sc. degree in a discipline that falls within

the genus of Life Sciences. Biology independently was not a subject mentioned in the rule whereas Botany is separately identified. Faculty of Life

Science amongst other disciplines include separately study of the subject of Biology, at MDU University, Rohtak. The List of 16 courses that fall

under the umbrella of life science. M.Sc. course in Botany is a subject taught in the faculty of Life Science. The Court found that there is no specific

course or subject taught known as Life Science. In fact in all the courses run by institutions in the State of Haryana, Life Science is structured as a

faculty and those universities run various course under this faculty. Therefore, this Court reached the conclusion that any university where M.Sc.

course falls in the list of 16 courses would qualify as M.Sc. Life Science. Those 16 courses are as follows:-

1. M.Sc. (Biochemistry)
2. M.Sc. (Clinical Bio-chemistry)
3. M.Sc. (Bio-Technology)
4. M.Sc. (Agricultural Bio-Technology)
5. M.Sc. (Bio-Informatics)
6. M.Sc. (Medical Bio-Technology)

7. M.Sc. (Botany)
8. M.Sc. (Environmental Sciences)
9. M.Sc. (Environmental Bio-Technology)
10. M.Sc. (Food Technology)
11. M.Sc. (Genetics)
12. M.Sc. (Forensic Sciences)
13. M.Sc. (Microbiology)
14. M.Sc. (Microbial Bio Technology)
15. M.Sc. (Zoology)
16. M.Sc. (Genomics)

32. In the present case the issue of Life Science has not been raised. The advertised post falls in category 4, i.e., PGT Biology. Biology as a subject is not mentioned in the rule. M.Sc. in Botany is the prescribed essential qualification with at least 50% marks provided that the applicant had studied Botany and Zoology at graduation level and has qualified B.Ed. from a recognized university. The petitioner claims that she has studied Botany and Zoology at the graduation level and secured 53% marks in B.Sc. She is Haryana Teacher Eligibility Test qualified. She holds the B.Ed degree in the first division. The petitioner was called for interview on 22.10.2012 but was refused admission. Petitioner has done her M.Sc. in Environmental Botany which cannot be equated with M.Sc. Botany. The subject of Botany is the larger circle of study than the restricted field covered by the smaller but perhaps more specialized area of Environmental Botany. Such as not the case in Babli. Environmental Botany also does not find mention among the 16 subjects grouped together under the Faculty of Life Science as seen above. Therefore, Babli is distinguishable on facts from the present case and can be of no help to the petitioner. There is thus no merit in this petition either and the same is accordingly dismissed but with no order as to costs.