

(2019) 06 GUJ CK 0007

In the Gujarat High Court

Case No : R/Special Civil Application No. 11107 Of 2019

Ramanbhai Kamjibhai Manat

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 27-06-2019

Acts Referred:

Multi Purpose Health Worker (Male), Class III, Recruitment Rules, 2011 — Rule 2, 3(d)

Citation : (2019) 06 GUJ CK 0007

Hon'ble Judges : N.V.Anjaria, J

Bench : Single Bench

Advocate : NK Majmudar, Manan Mehta

Final Decision : Dismissed

Judgement

N.V.Anjaria, J

1. Heard learned advocate Mr.N.K.Majmudar for the petitioner and learned Assistant Government Pleader Mr.Manan Mehta, who appeared on

behalf of the respondent. State and its authorities, upon service of copy of the petition in advance.

2. In this petition, the petitioner has prayed to direct the respondent authorities to treat the qualification held by the petitioner to be valid for the post of

Sanitary Inspector. The petitioner further prays for a direction against the respondents to treat the petitioner's qualification of Multipurpose Health

Workers basic course certificate to be equivalent for the post of Sanitary Inspector and include the name of the petitioner in the list of selected

candidates.

3. The petitioner is an aspirant to be appointed to the post of Sanitary Inspector for which the respondents issued advertisement No.9/2017. The

eligibility to be appointed to the post is governed by the Multi Purpose Health Worker (Male), Class III, (Panchayat Service) Recruitment Rules, 2011.

3.1 Rule 3(d) of the Rules reads as under,

3. To be eligible for appointment by direct selection to the post mentioned in rule 2, a candidate shall,

(a) *****

(b) *****

(c) *****

(d) have successfully completed one year training of Multi Purpose Health Worker basic Course from the institution recognized by the Government, or

have passed the Sanitary Inspector Examination from the institution recognized by the Government.

(e) *****

3.2 The petitioner has been holding the qualification of certificate of basic course of Multipurpose Health Worker. The petitioner wants this

qualification to be treated as equivalent to the requirement of passing of Sanitary Inspector Examination as contemplated in the statutory rules.

3.3 It is the case of the petitioner that the respondents called upon the petitioner to produce the documents whereby it could be shown that the

certificate course of the petitioner could be treated as equivalent. The petitioner submitted the documents and material in support of his case, however,

could not satisfy the respondents that the course for which the certification is possessed by the petitioner is equivalent to passing of Sanitary Inspector

Examination. It is the contention of the petitioner that the authority ought to have accepted the materials produced by him and ought to have concluded

that the course is equivalent. It was next submitted that in Surendranagar Urban Development Authority, when the recruitment was undertaken by the

said authority, the qualification is accepted as equivalent.

4. In other words, the petitioner wants the basic course of Multipurpose Health Worker held by him to be treated as equivalent to the Sanitary

Inspector Examination.

5. It is not for this Court to go into the question of equivalence of a degree or qualification. Whether a particular degree or course is to be treated and

recognized as equivalent is entirely the domain of the expert body. The employing authorities are the experts in the field to judge the question of equivalence. Furthermore, merely because one authority has recognized the course to be equivalent to another, the other authority is not liable to follow the same.

5.1 In the instant case, the authorities are not satisfied on facts that the certification held by the petitioner is equivalent to the required qualification.

6. In *Rajendra Prasad Mathur vs. Karnataka University and another* [AIR 1986 SC 1448,]the law on the question of equivalence was succinctly

stated in the following words,

“It is for each University to decide the question of equivalence and it would not be right for the Court to sit in judgment over the decision of the

University because it is not a matter on which the Court possesses any expertise. The University is best fitted to decide whether any examination held

by a University outside the State is equivalent to an examination held within the State having regard to the courses, the syllabus, the quality of teaching

or instruction and the standard of examination. It is an academic question in which the court should not disturb the decision taken by the University.”

(para 7)

7. In the aforesaid view, no relief could be booked for the petitioner. The petition is meritless and stands dismissed.