

(1994) 05 RAJ CK 0047

In the Rajasthan High Court

Case No : Special Appeal (writ) No. 199 of 1993

Shyam Lal Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 10-05-1994

Acts Referred:

Citation : (1995) 1 RLW 222 : (1994) 2 WLC 393 : (1994) 2 WLN 566

Hon'ble Judges : G.C. Mittal, C.J;M.P. Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

G.C. Mital, C.J.—The point to be decided in this appeal is whether the word "science" includes "agriculture science" or not.

2. Sheep and Wool Training institute Jaipur which is a government Institute imparts training of Stock Assistant (Skandh Sahayak). The admission to the said institute is controlled by syllabus/ course of study recognised and approved by the Govt. of Rajasthan (Finance Department) since 1982. It prescribes a minimum requisite and essential qualification for admission to the course.

3. The necessary condition according to the syllabus runs as follows:

ekU;rk izkIr cksMZ@fo"o fo|ky; ls tho foKku esa ftlesa d`f"k foKku Hkh lfEefyr gks] ds lKfk gk;j lSd.MjhA

4. The appellant passed his Secondary School Examination in 1984 from the Board of Secondary Education Rajasthan with Physics, Chemistry and Agriculture Science along with the other subjects. In the Year 1986 he passed his Higher Secondary Examination from the same Board in Agriculture, Horticulture, Animal Husbandry and Biology as optional subjects along with compulsory subjects.

5. The Director, Sheep and Wool Department, Govt. of Rajasthan, Jaipur issued an advertisement on 20th August, 1991 inviting the application for training of 50 Stock Assistants (Skandh Sahayak). All the seats were reserved for Scheduled

Caste and Scheduled Tribe candidates. The required qualification in the advertisement mentioned was that a candidate should have passed Higher Secondary from the recognised Board along with other subjects, in Science as well. In pursuance of the same the appellant submitted his application form within time but he did not receive any intimation/ information regarding acceptance or refusal for being considered for the said training.

6. The respondents subsequently declared a list of selected candidates. It was pasted on the Notice Board of the Institute. The appellant's name did not appear in the said list. It contained the names of those candidates who were having Biology and Mathematics as science subjects but for reason best known to the respondent, the name of the appellant was not included though he had agriculture science as a subject in secondary as well as in Higher Secondary examination.

7. On enquiry the appellant was informed that the candidate who had passed Higher Secondary Examination with Agriculture Science was found ineligible for being considered for training. Agriculture science was not science for the purpose of this training.

8. The appellant filed a writ petition in this court challenging his non-selection. It has been dismissed by the learned single Judge in limine holding that rejection of the name of the appellant for admission in training course was justified as he was not eligible for training but no reason has been given as to why agriculture science could not be treated as science. This special appeal is directed against the said order.

9. The syllabus/ course of study framed by the Sheep and Wool Training Institute, Jaipur for the trainees prescribes the minimum requisite and essential qualification for training of 8 months course of Stock Assistants. 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 20-8-1991 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 broader sense. It has many branched 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.

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 to 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.

14. The use of the word "science" only in the advertisement was against the prescribed syllabus itself. The syllabus does make a mention of agriculture science as well. The advertisement should have been in consonance with the syllabus. The respondents should have taken a serious note of the provisions contained in the syllabus.

15. An identical controversy had arisen in S.B. Civil Writ Petition No. 2027/89 Dal Chand Saini v. State of Rajasthan and Ors. which was decided on 14-6-1989 in which it was held that the candidate having agriculture science was entitled for admission for training.

16. The Institute while considering the question of admission has taken a more rigid and narrow interpretation of the word "science". The object of interpretation should always be to promote justice. If a narrow interpretation is given to the word "science" it will make the syllabus of courses redundant which has recognised agriculture science as one of the subjects for training. If the department is given a free hand in not accepting agriculture science as science it will lead to creating chaotic condition in the functioning of the institute. It will lead to arbitrariness which cannot be permitted. The Government and its instrumentalities are expected to act fairly. Fairness in public dealing is the essence of the Philosophy of Administrative law. Administrative orders have to meet the test of reasonableness very strictly, otherwise, it will shake the confidence of general public and liable to be struck down.

17. In the instant case we are satisfied that the respondent has not acted fairly in rejecting the candidature of the appellant for training in Sheep and Wool Training Institute, Jaipur.

18. After hearing the learned Counsel for the rival parties we are of the view that the word "science" includes agriculture science. The appellant having fulfilled minimum requisite and essential qualification was entitled for admission in the

training of Stock Assistant (Skandh Sahayak.)

19. The special Appeal is allowed. The order of the learned single Judge is hereby set aside without any orders as to costs.

20. The appellant has been provisionally admitted for training in pursuance of interim order of this Court dated 8.6.1993. Consequential order for regular admission be passed by the respondents within one month of the production of the certified copy of this judgment before respondent No. 2.