

(2017) 03 RAJ CK 0191
In the Rajasthan High Court
Case No : 14523 of 2015

Vikash Pawariya & Anr

APPELLANT

Vs

The State of Rajasthan & Anr

RESPONDENT

Date of Decision : 21-03-2017

Acts Referred:

Constitution of India, Article 226 -
Rajasthan Economics and Statistical Service Rules, 1958, Rule 13

Citation : (2017) 03 RAJ CK 0191

Hon'ble Judges : Alok Sharma

Bench : SINGLE BENCH

Advocate : Hanuman Choudhary, B.L. Avasthi, Nitin Jain

Judgement

1. The issue in the writ petition is with regard to the petitioner's eligibility for appointment to the post of Statistical Officer under the Rule 13 of the Rajasthan Economics and Statistical Service Rules, 1958 (hereinafter "the Rules of 1958") and the advertisement dated 30.07.2013, setting out the requisite educational qualification for appointment to the post in issue.
2. Admittedly the educational qualification which confers eligibility for appointment on the post in issue is Post Graduate Degree in Economics with Second Division or Post Graduate Degree in Statistics with Second Division or Post Graduate Degree in Mathematics with one paper of Statistics with Second Division or Post Graduate Degree in Commerce with Economics with Second Division as also a M.Sc. (Agriculture) in Statistics with Second Division.
3. On the petitioners own case they do not possess any of the aforesaid prescribed educational qualification. They have both instead admittedly passed the M.Sc. (Agriculture) Economics which they however claim to be equivalent to the qualification of Post Graduate in Economics set out under the advertisement dated 30.07.2013 for appointment to the post of Statistical Officer as also under the Rules of 1958.

4. From the pleadings of the parties, it appears that on a representation having been made to the respondent-RPSC to treat M.Sc. (Agriculture) in Agriculture Economics as equivalent to the educational qualification of Post Graduate in Economics set out under the advertisement for the post in issue as also the Rules of 1958 as amended from time to time, the matter was considered by an expert committee under the Chairmanship of Shri S.L. Meena member of RPSC and several subjects experts. The committee concluded as under:- "The expert Committee considered the case of petitioners along with other candidates in the meeting held on 28.10.2015, wherein after due deliberations, Committee unanimously recommends that petitioners are not eligible as they do not possessed requisite educational qualification and their post graduate degree in M.Sc. (Agriculture) in Agriculture Economics cannot be treated at par with post graduate/M.A. degree of Economics."

5. It is relevant to point out that the expert committee included one Dr. J.P. Agnihotri, Professor (Agriculture) (Plants Pathology) from SKN College, Jobner wherefrom the petitioners have acquired their degree in M.Sc. (Agriculture) in Agriculture Economics. Yet it has been held fair and square that the petitioners degree was not equivalent to Post Graduate degree in Economics prescribed as an eligibility for appointment to the post of Statistical Officer.

6. The issue of equivalence of a degree with another has been dealt with it at length by the Apex Court. It was held that such issue of equivalence related to the domain of experts and their view on the matter reasonably taken would not warrant any interference by the Courts in the exercise of their jurisdiction under Article 226 of the Constitution of India. For this, reference can be made to the judgment of the Apex Court recorded AIR 1965 SC 491 titled The University of Mysore and Anr. Vs. : C.D. Govinda Rao and Anr. where the Apex Court in the context of appointments as Professor held that when recommendations are made by the nominated Board of Appointment, on a challenge thereto the Court should be slow to interfere with view expressed by the experts on the issue of equivalence of degrees more so when there was no allegation of any mala fides attributed to the experts.

7. The upshot of the aforesaid discussion on facts of the case at hand and law applicable to the legal issue emerging is that the petitioners not having the requisite prescribed educational qualification for appointment to the post of Statistical Officer, cannot invoke the extraordinary jurisdiction of this Court to direct that despite a committee of experts holding that their educational qualification of M.Sc. (Agriculture) in Agriculture Economics was not equivalent to a Post Graduate degree in Economics, the educational qualifications prescribed under the Rules of 1958 for the post of Statistical Officer, it was so and further direct them to be considered for appointment. There is no warrant at all to grant the petitioner the declaration they seek and consequential relief. More so when no malafides have been alleged against the expert committee including a Professor from the petitioners own alma mater which held that the petitioners

educational qualifications as M.Sc. (Agriculture) in Agriculture Economics was not equivalent to Post Graduate in Economics, one of the eligibility criteria for appointment as Statistical Officer under the Rules of 1958.

8. I find no force in the petition. Dismissed.