



2025:CGHC:40691-DB

**AFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 2739 of 2020**

- 1** - Madhukar Patel S/o Shri Khageshwar Patel, Aged About 29 Years R/o Village Gaurbihari, Post Hamirpur, Via- Tamnar, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
- 2** - Shruti Verma, D/o Shri Tula Ram Verma, Aged About 26 Years R/o Village Tarashiv, Post Chichdi, Block Tilda, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- 3** - Karnika Dwivedi D/o Shri K.K. Dwivedi, Aged About 28 Years R/o Q.No. 851, G.M. Complex, Brajrajnagar, District Jharsuguda, Odisha., District : Jharsuguda \*, Orissa
- 4** - Gunja Dhruv, D/o Shri Ruparam Dhruv, Aged About 26 Years R/o Q.No. G-1, Irrigation Colony, Gangrel, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh
- 5** - Chandra Prakash, S/o Shri Chain Das Sahu, Aged About 27 Years R/o C-9, Shri Ram Colony, Ram Nagar, Ward No. 07, Motipur, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
- ... Petitioner(s)**

**versus**

- 1** - State Of Chhattisgarh Through Its Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- 2** - Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- Respondent(s)**

(Cause title taken from Case Information System)

For Petitioner(s)	:	Mr. Vedant Shadangi, Advocate
For Respondent(s)/State	:	Mr. Yashwant Singh Thakur, Additional A.G.
For Respondent No. 2	:	Mr. Anand Mohan Tiwari, Advocate

**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**Per Ramesh Sinha, C.J.**

**13/08/2025**

1. The petitioners have filed the present writ petition challenging the educational qualification prescribed in schedule-III of sub-rule (ii) of rule 8 of Chhattisgarh Water Resources Engineering and Geological (Gazetted) Service Recruitment Rules, 2014 (in short 'Rules of 2014') and prayed the following reliefs in their writ petition:-

**"I. That the Hon'ble Court may kindly be pleased to struck down and set aside the impugned "Scheduled-III to the Sub Rule (II) of the Rule 8, Educational Qualification" of the impugned Chhattisgarh Water Resources Engineering and Geological (Gazetted) Services Recruitment Rules, 2014 (Annexure P/1) for being arbitrary, illegal, ultra vires, and unconstitutional and further direct the respondent to insert M.Tech. (Soil & Water Engineering) as educational qualification.**

**AND**

**II. That the Hon'ble Court may kindly be pleased to struck down and set aside the impugned Sub-clause (iii) of the clause-2 of the advertisement dated 10.06.2020 for being arbitrary, illegal, ultra vires, and unconstitutional.**

**OR**

**III. That the Hon'ble Court may kindly be pleased to direct the respondent State to act as the recommendation of CGPSC and Agriculture, thereby considering the Master Degree M.Tech (Soil & Water Engineering) one of the educational qualification for the post of Assistant Geo-Hydrologist.**

**IV. Any other interim relief deemed fit and just by this Hon'ble court may also be granted in the interest of justice.”**

2. The petitioners who are having their B.Tech. (Agriculture Engineering) and M.Tech. (Soil and Water Engineering) degree obtained from Indira Gandhi Krishi Vishwavidyalaya, Raipur. The respondent No.2/ Chhattisgarh Public Service Commission issued an advertisement on 07.02.2020 and published on 12.02.2020 for recruitment on 05 vacant posts of Assistant Geo Hydrologist in Water Resources Department, State of Chhattisgarh. In the advertisement, the educational qualification for the post of Assistant Geo Hydrologist was prescribed as postgraduate degree in Geology from any recognized university. The claim of the petitioners is that they have passed M.Tech. in Soil and Water Engineering and it is equivalent to postgraduate degree in Geology and thereby the prescribed qualification for the post of Assistant Geo Hydrologist is discriminating the candidates including the petitioners. Due to this essential qualification prescribed for the post of Assistant Geo Hydrologist, the petitioners despite being qualified and eligible candidates, debarred and refrained from participating the selection process of public employment, therefore, the impugned advertisement dated 12.02.2020 is illegal, ultra-vires and unconstitutional. It is also the case of the petitioners that the Indira Gandhi Krishi Vishwavidyalaya, Raipur wrote a letter on 01.05.2020 to the Water Resources Department stating therein that, the department of Soil and Water Engineering is awarding postgraduate and Ph.D. degrees, which are required degrees for the post of Assistant Geo Hydrologist and be allowed the students of Soil and Water Engineering to participate in the selection process of Assistant Geo Hydrologist, yet

no action has been taken on their recommendation and thus this writ petition has been filed by the petitioners.

3. Learned counsel for the petitioners would submit that the petitioners are qualified and having their M.Tech. degree in Soil and Water Engineering from Indira Gandhi Krishi Vishwavidyalaya, Raipur. The M.Tech. degree in Soil and Water Engineering is equivalent to postgraduate degree in Geology. Prescribing the master degree in Geology from any recognized university for the post of Assistant Geo Hydrologist as an essential qualification is arbitrary and discriminatory for the petitioners, who have passed M.Tech. (Soil and Water Engineering). Schedule-III of the sub-rule (ii) of rule 8 of the Rules of 2014 creating an obstacle and barring the petitioners to apply for the post of Assistant Geo Hydrologist. The petitioners despite being qualified and eligible candidates are debarred from participating in the selection process of Assistant Geo Hydrologist. The Indira Gandhi Krishi Vishwavidyalaya, Raipur has also considered that the students, who are holding postgraduate degree in Soil and Water Engineering, can be considered for the post of Assistant Geo Hydrologist and to allow them in participating in selection process of Assistant Geo Hydrologist under the advertisement dated 12.02.2020. He would also submit that the Chhattisgarh Public Service Commission is also in view that the postgraduate degree in Soil and Water Engineering can be included as minimum educational qualification for the post of Assistant Geo Hydrologist and thus the minimum educational qualification prescribed in schedule-III to sub-rule (ii) of rule 8 of the Rules of 2014 are arbitrary, ultra-vires and unconstitutional and the respondent authorities may be directed to include the M.Tech. (Soil

and Water Engineering) degree also as minimum educational qualification for the post of Assistant Geo Hydrologist in the said schedule-III of sub-rule (ii) rule 8 of Rules of 2014.

4. Per contra, responding the submissions made by learned counsel for the petitioners, learned counsel appearing for the State, in view of the return submitted by them, would submit that postgraduate degree in Geology from any recognized university is the prerequisite for selection to the post of Assistant Geo Hydrologist, which deals with the study of the Earth. The subject of Geology is useful part in the search of coal, petroleum and minerals, etc. The importance of Geology has also been recognized in the field of Civil Engineering projects, such as water supply, construction of dams, reservoirs, tunnels, bridges, etc. which requires specialization in the said subject to undertake the work in the field. There is substantive difference in the Geology and Soil and Water Engineering subjects. The M.Tech. degree in Soil and Water Engineering is fit for selection in the field of agriculture, but not endurable in the field of Water Resources Department, where the work relates to reappraisal hydrological surveys, site selection and supervision of groundwater exploratory drilling operations, conducting hydrological tests, periodic groundwater resource assessment, to undertake special studies like; feasibility of artificial recharge of water, etc. The petitioners' contention that the persons who have obtained degree in Soil and Water Engineering can perform the work of Assistant Geo Hydrologist is misconceived and irrational. He would further submit that the employer/State have drawn a reasonable classification in laying down the educational qualification for the aforesaid posts, which is neither violative of articles 14 and 16 of the

Constitution of India, nor discriminatory in any manner. He would also submit that a separate wing under the Water Resources Department has been formed, which shows that the work of Geologist in the Water Resources Department falls altogether under a different category, and therefore, specialization in the said field is desirable and reasonable and the students, who have done M.Tech. in Soil and Water Engineering cannot be said to be a person holding expertise in the said field. He would further submit that prescription of essential educational qualification for a post is a matter of recruitment policy and the State, as the employer, is entitled to prescribe the qualification as a condition of eligibility. A particular qualification should or should not be regarded as equivalent is a matter for the State to consider. The petitioner has no vested rights to assert that State must as a mandate include the qualification of M.Tech. in Soil and Water Engineering as the qualification for the post of Assistant Geo Hydrologist in the rules and to issue advertisement accordingly. It is also submitted by him that the petitioners have approached to the authorities for amendment in the rules regarding the educational qualification and after due consideration, on 16.07.2021, it was said that there is no requirement for amendment of the educational qualification prescribed under the Rules of 2014 as claimed by the petitioners. The recruitment process under the advertisement dated 12.02.2020 is completed and appointment orders have been issued to the selected candidates on 21.10.2021, but they have not been arrayed in the writ petition as the party respondent and thus the petition is suffered by non-joinder of necessary parties. The petitioners have failed to show as to how and in what aspects the educational qualification prescribed under the

Rules of 2014 is unconstitutional and there is no specific averment with respect to the same. While prescribing the qualification for a post, the State, as an employer may legitimately bears in mind several features like; nature of the job, the aptitudes requisite for the efficient discharge of duties, functionality of a qualification and the contents of the course of studies, etc. Exigencies of administration, it is trite law, fall within the domain of administrative decision making and are essential the policy matter, therefore, there is no merits in the writ petition and the same is liable to be dismissed.

5. The respondent No.2/Chhattisgarh Public Service Commission would also oppose the submissions made by learned counsel for the petitioners and would submit that the Chhattisgarh Public Service Commission being an examination conducting body, issued the advertisement for recruitment on the post of Assistant Geo Hydrologist under the Rules of 2014 and they have no authority to decide the required educational qualification in order to determine the eligibility of a candidate, as it is the sole prerogative of the State Government. The petitioners have approached before the Chhattisgarh Public Service Commission on 04.05.2020 and their representation has been forwarded to the State Government without expressing any opinion to take the necessary steps on the said representation of the petitioners. He would also submit that the selection process pursuant to the advertisement dated 12.02.2020 is over and appointment orders have been issued to the selected candidates.
6. We have heard learned counsel for the parties and perused the material available with the writ petition.

7. The core grievance of the petitioners is that, the M.Tech. degree in Soil and Water Engineering is equivalent to postgraduate degree in Geology and M.Tech. in Soil and Water Engineering should be included as minimum educational qualification for the post of Assistant Geo Hydrologist in schedule-III of sub-rule (ii) of rule 8 of the Rules of 2014. A literal meaning of Geology is the comprehensive study of Earth including its composition, processes, structure and history along with the evolution of life on earth. A Geologist investigates the earth's materials and its key area are plate tectonics, earthquakes, minerals and the formation of the earth. The Soil and Water Engineering focuses on a specialization within agricultural engineering, applies engineering principles to manage and conserve soil and water resources. The object of soil and water engineering is to enhance productivity, control erosion and maintain water quality and supply. The key areas of soil and water engineering are irrigation and drainage system, soil erosion control, water resource management, watershed management, hydrology modeling and designing equipment for agricultural applications.
8. From comparative analysis of Geology and Soil and Water Engineering would reveal that the Geology encompasses a broader scope studying the entire earth and its processes, whereas the Soil and Water Engineering focuses on a specific aspect of sustainable management of Soil and Water Resources. The Geology and Soil-Water Engineering are distinct field, though they often intersect.
9. Prescription of minimum educational qualification for a particular post is a matter of recruitment policy and it is for the employer to prescribe



the minimum educational qualification bearing in mind several features including the nature of job, the aptitudes requisite for efficient discharge of the duties, the functionality of a qualification and contents of the course of studies, etc. The advertised posts relate to subject specialist and therefore, an specific educational qualification is prescribed under the Rules of 2014 for the post of Assistant Geo Hydrologist, and it is for the State to prescribe the minimum qualification as a condition of eligibility. A particular qualification, should or should not be regarded as equivalent is a matter for the State to consider.

10. In the matter of “**Zahoor Ahmad Rathar v. Sheikh Imtiyaz Ahmad**” 2019 (2) SCC 404, it is held by the Hon'ble Supreme Court that, it is not the role of the Court to find out the equivalence. It was pointed out in the said decision that, the State, as a public employer, may well take into account social perspective, that require creation of job opportunities across the social structure. In para 26 and 27 of this judgment, the Hon'ble Supreme Court has held that:-

“26. We are in respectful agreement with the interpretation which has been placed on the judgment in Jyoti KK in the subsequent decision in [Anita](#) (supra). The decision in Jyoti KK turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily presupposes the acquisition of another, albeit lower, qualification. The prescription of qualifications for a post is a matter of recruitment policy. The state as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a

qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the state, as the recruiting authority, to determine. The decision in *Jyoti KK* turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification. The absence of such a rule in the present case makes a crucial difference to the ultimate outcome. In this view of the matter, the Division Bench of the High Court was justified in reversing the judgment of the learned Single Judge and in coming to the 10 id at page 177 conclusion that the appellants did not meet the prescribed qualifications. We find no error in the decision of the Division Bench.

27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The state is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision making. The state as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in *Jyoti KK* must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in *Jyoti KK* turned.”

11. In the case of “**Maharashtra Public Service Commission v. Sandeep Shriram Warade and others**” 2019 (6) SCC 362, the Hon'ble Supreme Court has held in para 9 and 14 that:-

**“9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being at par with the essential eligibility by an interpretive rewriting of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the Court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.**

**14. The view taken by the Tribunal finds approval in Deptt. Of Health & Family Welfare v. Anita Puri, observing as follows:**

**7. Admittedly, in the advertisement which was published calling for applications from the candidates for the posts of Dental Officer it was clearly stipulated that the minimum qualification for the post is B.D.S. It was also stipulated that preference should be given for higher dental qualification. There is also no dispute that M.D.S. is a higher qualification than the minimum qualification required for the post and Respondent I was having that degree. The question then arises is whether a person holding a M.D.S. qualification is entitled to be selected and appointed as of right by virtue of the aforesaid advertisement conferring**

**preference for higher qualification? The answer to the aforesaid question must be in the negative. When an advertisement stipulates a particular qualification as the minimum qualification for the post and further stipulates that preference should be given for higher qualification, the only meaning it conveys is that some additional weightage has to be given to the higher qualified candidates. But by no stretch of imagination it can be construed to mean that a higher qualified person automatically is entitled to be selected and appointed. In this view of the matter, the High Court in our considered opinion was wholly in error in holding that a M.D.S. qualified person like Respondent I was entitled to be selected and appointed when the Government indicated in the advertisement that higher qualification person would get some preference. The said conclusion of the High Court, therefore, is wholly unsustainable and must be reversed"**

12. Even otherwise, no material has been placed by the petitioners to show that the M.Tech. degree possessed by them in Soil and Water Engineering obtained from Indira Gandhi Krishi Vishwavidyalaya, Raipur is equivalent to the postgraduate degree in Geology. The advertisement issued by the respondent No.2 requiring the postgraduate degree in Geology for the post of Assistant Geo Hydrologist is based upon the Rules of 2014 for the posts in question. The word "equivalent" is not mentioned either in the advertisement or in the Rules of 2014.
13. We may also take note of the fact that, the selection process with respect to the advertisement dated 12.02.2020 for recruitment on the post of Assistant Geo Hydrologist is over and appointment orders have already been issued to the selected candidates way back on

21.10.2021.

14. It is settled in the judgment of the Hon'ble Supreme Court in the case of "**R.N. Goyal v. Ashwani Kumar Gupta and Others**", 2004 (11) SCC 753, that the Rules framed under Article 309 of the Constitution of India are for general good, but cause hardship to an individual, the same cannot be a ground for striking down the Rules. The Rules are valid and do not suffer from any vice of unreasonableness.
15. The Rules of 2014 have been enacted by the State Government in exercise of powers conferred by the proviso to Article 309 of the Constitution of India. The Rules of 2014, which have been framed by the State Government, cannot be said to be without legislative competence of the State. The State is empowered under Article 309 of the Constitution of India to frame rules with regard to the service conditions of its employees. The State, in its wisdom, has put the required minimum educational qualification for the post of Assistant Geo Hydrologist as a master degree in Geology, which cannot be said to be arbitrary or without legislative competence or even discriminatory to other degrees. It is well settled that rules may be declared ultra vires if it is made beyond the legislative competence to the Constitution of India or manifestly arbitrary. In the present case, we are of the opinion that the State can fix the eligibility criteria and minimum qualification for the post of Assistant Geo Hydrologist, and make rules relating to recruitment and conditions of service of the Chhattisgarh Water Resources Engineering and Geological (Gazetted) Services which has correctly framed in the name of "Chhattisgarh Water Resources Engineering and Geological (Gazetted) Services Recruitment Rules,

2014". Therefore, we deem it appropriate to declare that the minimum educational qualification fixed in Schedule-III of sub-rule (II) of Rule 8 of the Rules of 2014 for the post of Assistant Geo Hydrologist, i.e. "*a master degree in Geology from any recognized University,*" is not ultra vires and it is within the legislative competence of the State. There is no illegality in the Rules of 2014 and fixing the minimum qualification of a master's degree in Geology for the post of Assistant Geo Hydrologist, in the Water Resources Department, State of Chhattisgarh. The same are just and proper, warranting no interference of this court.

16. In the light of aforesaid, we accordingly find no merit in the petition filed by the petitioners and the writ petition is liable to be and hereby **dismissed**.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice

ved