State Of Maharashtra vs Raj Kumar on 30 March, 1982

Equivalent citations: AIR1982SC1301, 1982LABLC1597, (1982)3SCC313, 1982(2)SLJ549(SC), AIR 1982 SUPREME COURT 1301, 1982 LAB. I. C. 1597, 1983 SCC (L&S) 11, (1982) 2 SERVLJ 549, 1982 (3) SCC 313

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Bench: A.P. Sen, E.S. Venkataramiah, S. Murtaza Fazal Ali

JUDGMENT

S. Murtaza Fazal Ali, J.

1. We have heard counsel for the parties and have gone through the judgment of the High Court. The High Court has considered the matter fully and has pointed out that in view of certain constitutional infirmities appearing in some of the rules framed by the Government and followed by the Public Service Commission, the competitive examination held by the Public Service Commission is violative of Articles 14 and 16 of the Constitution, and hence, the selection made by the Commission is invalid and unconstitutional. It appears that a combined examination of Class I and Class II officers was held by the Public Service Commission and the candidates were asked to give several preferences for the post to which they were sought to be recruited. The respondent was one of the candidates and he had given four preferences. We have gone through the rules framed by the Government and adopted by the Public Service Commission and we find that the Rules framed suffer from clear and serious constitutional infirmities as a result of which the impugned Rules have been rightly struck down by the High Court. In the first place the object of the rule was to take officers who had full knowledge of rural life, its problems, aptitudes, working of the people in villages and the suitability for working as officers in the rural areas so as to be materially useful and in order to make a constructive contribution to the upliftment of rural life. In order to achieve this purpose a Rule was made that a candidate corning from the rural areas will be a rural candidate and he must have passed S.S.C. Examination which is held from a village or a town having only a 'C type Municipality. This rule, however, when translated into action does hot seem to fulfil or carry out the object sought to be achieved because as the Rule stands any person who may not have lived in a village at all can appear for S.S.C. Examination from a village and yet become eligible for selection in the competitive examination. Thus there is no nexus between the classification made (assuming for the purpose of this case that such a classification is unreasonable) and the object which is sought to be achieved as a result of which the rule is clearly violative of Articles 14 and 16 of the Constitution of India. An other infirmity from which the rules suffer is that any person who has passed the S.S.C. Examination and is supposed to be a rural candidate has to be given particular weight-age by the Public Service Commission who has to award 10% masks in each subject for such a candidate. The rules also provide that viva-voce Board would put relevant questions to judge the suitability of

candidate for working in rural areas and to test whether or not they have sufficient knowledge of rural problems, and this no doubt amounts to a sufficient safeguard to ascertain the ability of the candidate regarding his knowledge about the affairs of the village. In such a situation there was absolutely no occasion for making an express provision for giving weightage which would virtually convert merit into demerit and demerit into merit and would be per se violative of Article 14 of the Constitution as being an impermissible classification. The rule of weightage as applied in this case is manifestly unreasonable and wholly arbitrary and cannot be sustained. The High Court has fully elaborated these points and has aptly observed thus:

> ...On the contrary, it places a rural candidate in an advantageous position by a sheer accident of his passing the S.S.C. Examination from rural area.
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> ...Here we are faced with a problem that a candidate by sheer chance of his appearing and passing the examination from rural area gets an advantage over all others by arbitrary addition of ten per cent of marks which, as we have indicated above, has no reasonable nexus or connection with the object of getting the best candidates suitably adapted to rural life.

2. We find ourselves in complete agreement with the opinion expressed by the High Court which lays down the correct law which we fully approve. For these reasons we see no reason to interfere with the judgment of the High, Court and dismiss the appeal with costs quantified at Rs. 2,000/-in addition to Rs. 1,000/- which the respondent has already withdrawn by the order of this Court.