

Tahseen Nishath vs Telangana State Public Service ... on 5 June, 2023

Author: Surepalli Nanda

Bench: Surepalli Nanda

1

Wp_14235_2020
SNJ

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

W.P. No. 14235 of 2020

Between:

Tahseen Nishath

... Petitioner

And

The State of Telangana and others

... Respondents

JUDGMENT PRONOUNCED ON: 05.06.2023

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

2

Wp_14235_2020

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

W.P. No. 14235 of 2020

% 05.06.2023

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Tahseen Nishath

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... Respondents

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> Head Note:

! Counsel for the Petitioner : Mr M.Rishikesh Reddy

^ Counsel for the Respondent: G.P. for R.1
Standing counsel for R2 & R3

? Cases Referred:

1. 2002 (6) SCC 252
2. 1990(1) SCC 288
3. 2009(1) SCC 610
4. 1975(3) SCC 76
5. 2019 (2) SCC 404

3

Wp_14235_2020
SNJ

HON'BLE MRS JUSTICE SUREPALLI NANDA

W.P. No. 14235 of 2020

ORDER:

Heard the learned counsel for the petitioner and Learned Government Pleader appearing for the 1st respondent, learned standing counsel for respondent Nos.2 and 3.

2. The present Writ Petition is being filed seeking to issue a Writ of Mandamus declaring the arbitrary rejection of the Petitioner for selection to the post of Food Safety Officer by the 1st respondent and non ascertaining by the 1st respondent the equivalency of the BDS and MDS degree to that of a Degree in Medicine as illegal and consequently direct the respondents to treat the qualification of BDS possessed by the petitioner as equivalent to that of degree in Medicine and also consider the Petitioner for Selection to the post of Food Safety Officer notified vide notification no. 10/2019 as per merit and eligibility.

3. The case of the petitioner, in brief, is as follows:

Wp_14235_2020 SNJ

a) The 1st respondent issued a notification vide Notification no. 10/2019 dated 31.12.2019 for the post of Food Safety Officer and Food (Health) Administration and Greater Hyderabad Municipal Corporation in the state of Telangana.

b) Petitioner being a BDS (Bachelor of Dental Surgeon) Degree Holder, applied for the said post and the Petitioner appearing for the examination had secured Rank No.220 as per the Rank List, for which the petitioner had been provisionally admitted for verification of certificates.

c) On 18.07.2020, a selection notification had been issued where the hall ticket number of the petitioner had not been mentioned. Aggrieved by the same, the petitioner had addressed a letter to 1st respondent and filed the present Writ Petition.

PERUSED THE RECORD :

4. G.O.Ms.No.20, dated 20.03.2018 issued by Principal Secretary to Government, Health, Medical & Family Welfare (C2) Department, brought about certain amendments in the G.O.Ms.No.459, HM & FW (L1) Wp_14235_2020 SNJ Department, dated 08.09.1994. The said notification and amendments read as under :

"ORDER:-

The Director (FAC), Institute of Preventive Medicine, Public Health Labs & Food (Health) Administration, Hyderabad, in his letter third read above, has furnished proposals to amendment to the "Telangana Institute of Preventive Medicine, Public Health Laboratories and Food (Health) Administration subordinate service Rules, 1994" issued in the G.O. first read above, for changing the nomenclature of the post

of Food Inspector as Food Safety Officer in conformity with the Food Safety and Standards Act, 2006, (Central Act No.34 of 2006) and fixation of quota between Direct Recruitment and Promotees, in view of deletion of the earlier quota of 1/3 meant for Qualified Sanitary/Health Inspectors working in Panchayats, Municipal Corporations, Municipalities and Health Inspectors in Health & Medical Department.

2. Government after careful examination of the matter, hereby accept the proposal of the Director, Institute of Preventive Medicine, Public Health Labs & Food (Health) Administration, Hyderabad, to issue necessary amendments to the Telangana Institute of Preventive Medicine, Public Health Laboratories and Food (Health) Administration Subordinate Service Rules, 1994' issued in the G.O. first read above, with immediate effect.

3. The following notification will be published in the Telangana State Gazette, Dated.24/3/2018.

NOTIFICATION In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Government of Telangana, hereby make the following amendments to the 'Telangana Institute of Preventive Medicine, Public Health Laboratories and Food (Health) Wp_14235_2020 SNJ Administration Subordinate Service Rules, 1994 issued in G.O. Ms.No.459, Health, Medical & Family Welfare (L1) Department, dt:8.9.1994, and as amended from time to time:-

AMENDMENTS

1. In the said Rules, for the expression "Food Inspector (Non-Gazetted)" wherever it occurs, the expression "Food safety Officer shall be substituted.

2. In Rule 3,-

(i) in Column (3) of the Table under Class-B for the word "Director", wherever it occurs, the words "Commissioner of Food Safety" shall be substituted.

(ii) In Note (2), items (i) and (ii) and the proviso thereunder shall be substituted with the following:-

(i) One-third of the posts shall be filled by appointment by transfer of Junior Analyst and Ministerial Staff i.e., Senior Assistant, Junior Assistant-cum-Typist in the ratio of 1:1 and

(ii) Two-third of the posts shall be filled by Direct Recruitment through Telangana Public Service Commission.

Provided that if qualified candidates are not available for appointment by transfer referred to in item (i) above, the vacancies meant for the relevant category shall lapse and the said vacancies shall be filled by direct recruitment".

3. In the Annexure (under Rule 5), under Class-B, for Column (3), the following shall be substituted,- The Food Safety Officer shall be a whole time officer and shall on the date on which he is so appointed possesses the following qualification:-

(i) A Degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Wp_14235_2020 SNJ Agricultural Science or Veterinary Sciences or Bio-

Chemistry or Microbiology or Master's Degree in Chemistry or Degree in Medicine from a recognized University, or

(ii) Any other equivalent/ recognized qualification notified by the Central Government. (BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)"

5. The educational qualifications as per Clause 4 of the Notification No.10/2019, dated 31.12.2019 issued by the Telangana State Public Service Commission, Hyderabad, as specified by the Department as per G.O.Ms.No.20, HM & FW (C2) Department dated 20.03.2018, reads as under :

"Para 4) EDUCATIONAL QUALIFICATIONS:

Applicants must possess the qualifications from a recognized university/Institution as detailed below or equivalent thereto, as specified in the relevant Service Rules, indented by the Department as on the Date of Notification.

Post Name of the Post Educational Qualification as Code specified by the Department as per G.O.Ms.No.20, HM&FW (C2) 01 Food Safety i) A degree in Food Technology Officer in IPM. or Dairy Technology or Wp_14235_2020 SNJ 2 Food Safety Biotechnology or Oil Technology Officer in GHMC or Agricultural Science or Veterinary Sciences or Bio Chemistry or Microbiology or Master's Degree in Chemistry or Degree in Medicine from a recognized university.

OR

ii) Any other
equivalent/recognised
qualification notified by the
Central Government.

6. The counter affidavit filed by the 1st respondent, in particular paras 6, 7, 8 and 9, reads as under:

"6. In this connection, I respectfully submit that the qualifications for these posts of Food Safety Officers are clearly mentioned in the Notification at Para No.-4 under the column of Educational Qualifications: "Para 4) EDUCATIONAL QUALIFICATIONS:

Applicants must possess the qualifications from a recognized university/Institution as detailed below or equivalent thereto, as specified in the relevant Service Rules, indented by the Department as on the Date of Notification.

Post Name of the Post Educational Qualification as Code specified by the Department as per G.O.Ms.No.20, HM&FW (C2) 01 Food Safety i) A degree in Food Technology Officer in IPM. or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio Chemistry or Microbiology or Master's Degree in Chemistry or Degree in Medicine from a recognized university.

Wp_14235_2020
SNJ

OR
ii) Any other
equivalent/recognised
qualification notified by the
Central Government.

7. In view of the above, it is clear that the qualifications of the petitioner i.e. B.D.S. is not either prescribed or equivalent qualifications as per the Notification and accordingly, her candidature was rejected. It is also relevant to submit here that, some more candidates with the qualification of BDS, BAMS and BHMS were also rejected on the same grounds.

8. Further, I respectfully submit that, an Expert Committee was constituted to ascertain the equivalency of the various qualifications i.e. MDS, BDS, BAMS and BHMS, etc, with the following professors:

1. Prof. Kavita Waghay, Osmania University

2. Prof. V. Vijaya Lakshmi, PITSAU, Hyderabad

3. Mrs. M. Jaya Surya Kumari, Koti Womens College, O.U. A meeting of the Experts Committee was held on 02/09/2020 in TSPSC Office and the following Resolutions were passed

1. It is resolved that Degree in Medicine referred in Indian Medical Council Act-1956 has not made any mention with regard to the Dental degrees. Further, it is also resolved that, as per the first, second and third schedules of the said Act, there is no such mention about BDS and MDS degrees Wp_14235_2020 SNJ

2. The Indian Medical Council Act-1956 also mentioned that modern scientific medicine include the branches of medicine pertaining to the subjects governed by Indian Medical Council such as: Radiology, Cardiology. Pediatrics, Orthopedics, General Medicine, Neurology, Urology, etc. (reference: first, second and third schedules of the IMC Act-1956)

3. It is also resolved that the Indian Medical Degree Act-1916, the definition may not be appropriate to say that BDS and MDS are equivalent to the Degree in Medicine.

4. It is also resolved that, as per the Dentist Act-1948, dentist meant who practices dentistry. The reference made in the Act by the petitioner is with reference to practice. Hence, the dentist is governed by the Rules and Regulations made under this Act.

5. Further, the degrees such as BDS, MDS, BAMS, BHMS, BUMS and BYNS were also not figured in the schedules of the Indian Medical Council Act 1956.

9. In view of the above Resolutions of the Experts Committee, it is clear that the qualifications of the petitioner i.e. BDS is not equivalent to that prescribed in the Notification and hence her candidature cannot be considered for the post of Food Safety Officers.

7. The counter affidavit filed by the 2nd respondent, in particular, paras 3, 4, and 7, reads as under:

"3. It is respectfully submitted that, the Respondent No.2 has notified the (10) vacancies to the post of Food Safety Officer/ Food Inspector along with other posts in Institution of Preventive of Medicine, Public Health Lab & Food (Health) Administration, Hyderabad to the Respondent No. 1 i.e. The Telangana State Public Wp_14235_2020 SNJ Service Commission, Hyderabad, Telangana state vide No. 3037/TS/IPM/E6(E1)/2016, Dated:22-09-2016 and vide Re No.5032/E6/2016-2018, Dated:30-06-2018 to fill up the above vacancies along with the Breakup of the Rule of Reservation for the above vacancies.

4. Further it is respectfully submitted that, the Respondent No.2 clearly informed to the Respondent No.1 regarding the requisite Education Qualifications to fill up the Food Safety Officer post as per FSS Rules 2011 and G.O.Ms.No.20 HM&FW(C2) Dept., Dated: 20- 03-2018 that, the candidate must possess a degree in Food Technology (or) Dairy Technology (or) Bio Technology (or) Oil Technology (or) Agricultural Science (or) Veterinary Sciences (or) Bio-Chemistry (or) Microbiology (or) Masters Degree in chemistry (or) Degree in Medicine from a recognized University (OR) any other equivalent/Recognized qualification notified by the Central Government.

7. Further, it is submitted that, the petitioner stating that, wherein the education qualifications to the post of FSO mentioned in the notification No.10/2019 as, Degree in Medicine from a recognized University (OR) any other equivalent/Recognized qualification notified by the Central Government. Therefore, any other equivalent recognized qualification other than Medicine shall also be a Degree in BDS/MDS as both the courses have certain similarities in their course work, thus the action of the Respondent No.1 in rejecting his Wp_14235_2020 SNJ candidature for the post of FSO despite having secured 220th Rank in the selection Process. But, the Respondent No.1 is the deciding authority as the Respondent No.1 has conducting all the Departments post Notification in the Telangana State being the Telangana State Public Service Commission in the Notification No.10/2019.

8. The letter dated 02.08.2021 of the Under Secretary, Government of India, Ministry of Health and Family Welfare, Department of Health & Family Welfare, Food Regulation Section, addressed to the Principal Secretary, Telangana State Public Service Commission, Nampally, Hyderabad, is extracted hereunder :

"I am directed to refer to the Commission's letter dated nil reporting this Ministry to clarify as to whether BDS, MDS, BAMS, BHMS, BUMS and BYNS could be considered as requisite qualifications under degree in Medicine.

2. It is to inform that the qualification for the post of Food Safety Officer has been prescribed under Rule 2.1.3 (1) (i) of Food Safety and Standards Rules, 2011. Further, Rule 2.1.3 (1) (ii) provides, 'or' any other equivalent/recognized qualification notified by the Central Government".

However, no such qualification has been notified by the Central Government.

3. The Commission may also consider the order dated 27/01/2015 by Hon'ble High Court of Wp_14235_2020 SNJ Allahabad in the matter of WP No. 2754 of 2015 Dr. Amit Pandey and Ors. Vs. State of Uttar Pradesh and Ors in this regard (copy enclosed), wherein Hon'ble High Court observed that 'degree in Medicine' doesn't include any other system of Medicine. It will not be proper to include or read any her degree awarded by councils under other acts in to degree of Medicine, Medicine defined only under Indian Medical Council Act, 1956 and not in other enactments.

4. This issues with the approval of Competent Authority.

DISCUSSION AND CONCLUSION :

9. The National Medical Commission (NMC) has been constituted by an Act of Parliament known as National Medical Commission Act, 2019 which came into force on 25.09.2020 by Gazette Notification dated 24.09.2020 and the Board of Governors in suppression of Medical Council of India Constituted under section 3A of the Indian Medical Council Act, 1956 stood dissolved thereafter.

10. National Medical Commission Registered Medical Practitioner (Professional Conduct) Regulations, 2022 defines "Modern Medicine" as follows :

e) "Modern medicine" or "Allopathy" is a healthcare discipline that involves a scientific understanding of disease processes and uses Wp_14235_2020 SNJ rational and evidence-based treatment methods.

This system of medicine views disease as a biological abnormality in the function or structure of organs or organ systems, with effects on organs and the body as a whole. Animal experiments may be used to understand disease processes and the efficacy of therapeutic measures. Medical research using blinded studies and statistical analyses informs all aspects of diagnosis, testing, treatment, and disease prevention. Modern medicine has international uniformity in theory and practice. It has found universal acceptance in India and is currently practiced and taught in Government and Private hospitals and medical colleges governed/regulated and accredited by the National Medical Commission, Government of India.

The present issue pertains to notification issued by the 1st Respondent dated 13.12.2009, vide No.10/2009.

11. It is the specific case of the Petitioner that the Petitioner is an BDS degree holder and that BDS is a degree in Medical Degree and Indian Medical Council Act, 1956 also defines Medicine as Modern Scientific Medicine in all its branches and includes surgery and obstetrics but does not include Veterinary Medicine and Agriculture Degree and Dentists Act, 1948. It is further Wp_14235_2020 SNJ case of the petitioner despite having a degree in BDS and MDS and securing 220th Rank in Selection Process, the action of the 1st respondent in rejecting the petitioner for the post of Food Safety Officer is illegal and Arbitrary.

12. A bare perusal of the specific averments made in the counter affidavit filed on behalf of the 1st Respondent referred to and extracted above clearly indicates the stand of the Respondents that since qualifications of the Petitioner i.e., BDS is not prescribed as equivalent qualification as per the notification and therefore the Petitioner's candidature along with other candidates with the qualification of BDS, BAMS, BHMS were rejected and that an expert committee was also constituted to ascertain the equivalency of the various qualifications i.e., MDS, BDS, BAMS, BHMS with 3 Professors and the subject issue was examined in detail and certain resolutions passed which clearly

held that the qualifications of the Petitioner i.e., BDS is not equivalent to that of the qualifications for the posts of FSO prescribed in the Wp_14235_2020 SNJ notification dated 31.12.2019 vide Notification No.10/2019 and hence Petitioner candidature cannot be considered for the posts of Food Safety Officers. A bare perusal of the averments made in the counter affidavit filed by the 2nd Respondent in particular paras, 3, 4 and 7 indicate that the educational qualifications as per Clause 4 of the Notification No.10/2019, dated 31.12.2019 issued by the Telangana State Public Service Commission, Hyderabad as specified by the Department as per G.O.Ms.No.20, dated 20.03.2018 would apply that Respondent No.1 is the deciding Authority as per the Notification No.10/2019.

13. This Court takes into consideration the contents of the letter dated 02.08.2021 in No.P.15025/44/2020- PR, Government of India, Ministry of Health & Family Welfare, Department of Health & Family Welfare, (Food Regulation Section), Nirman Bhavan, New Delhi - 11, dated 02-08-2021, (referred to and extracted above) which refers to the order dated 27.01.2015 of the High Court of Allahabad in W.P.No.2754/2015 in Dr. Amit Pandey & Others Vs. State of Uttar Pradesh & Others, Wp_14235_2020 SNJ which observed that 'Degree in Medicine does not include any other stream of Medicine and further that it will not be proper to include or read any other degree awarded by councils under other acts into Degree of Medicine and further that medicine is defined only under Indian Medical Council Act, 1956 and not in other enactments'.

14. This Court also takes note of the fact that the qualification for the post of Food Safety Officer has been prescribed under Rule 2.1.3 (1)(i) of Food Safety and Standards Rules, 2011 and further Rule 2.1.3(1)(ii) provides "or any other equivalent/ recognized qualification notified by the Central Government". However no such qualification is notified by the Central Government notifying equivalency of BDS and MDS to that of a Degree in Medicine.

15. The Apex Court in few judgments observed as under :

Wp_14235_2020 SNJ

(i) In Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & others reported in 2019 (2) SCC 404 held as under :

"It was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine".

(ii) In Mohammad Shujat Ali & Ors. v. Union of India & Ors reported in 1975 (3) SCC 76, held as under:

"it was held that the question regarding equivalence of educational qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards and practical attainments of such qualifications. It was further held that where the decision of the Government is based on the recommendation of an expert body, then the Court, uninformed of relevant data and unaided by technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government unless it is based on extraneous or irrelevant considerations or actuated mala fides or is irrational and perverse or manifestly wrong.

Wp_14235_2020 SNJ

(iii) In *Guru Nanak Dev University v. Sanjay Kumar Katwal & Anr.*, reported in 2009 (1) SCC 610, held as under :

"it was held that this Court has reiterated that equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. Dealing specifically with whether a distance education course was equivalent to the degree of MA (English) of the appellant university therein, the 2 (1990) 1 SCC 288 3 (2002) 6 SCC 252 4 (2009) 1 SCC 610 Court held that no material had been produced before it to show that the distance education course had been recognized as such".

(iv) In *J. Ranga Swamy v. Government of Andhra Pradesh and Others*, reported in 1990 (1) SCC 288, it was held as under :

"That this Court held that it is not for the court to consider the relevance of qualification prescribed for various posts".

(v) In *State of Rajasthan & Ors. v. Lata Arun*, reported in 2002 (6) SCC 252, it was held as under :

"this Court held that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It was held thus:

Wp_14235_2020 SNJ "13. From the ratio of the decisions noted above, it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority."

16. Taking into consideration the specific averments in the counter affidavit filed by the 1st Respondent in particular in paras 6,7,8 and 9 (referred to and extracted above) and taking into

consideration the resolutions of the Experts Committee Meeting held on 02.09.2020 in TSPSC Office holding MDS and BDS as not equivalent to that of the qualification prescribed in the notification No.10/2019 relating to the recruitment for the post of Food Safety Officer (FSO) vide Notification No.10/2019 issued by the Telangana State Public Service Commission dated 31.12.2019, in view of the fact that the qualification of the Petitioner i.e, BDS is not prescribed as equivalent qualification as per the subject notification, this Court opines that the Wp_14235_2020 SNJ candidature of the Petitioner cannot be considered for the posts of Food Safety Officers more particularly in view of the clear clarification issued to the 1st Respondent herein by the Under Secretary to the Government of India, Ministry of Health & Family Welfare, Department of Health & Family Welfare, (Food Regulation Section), Nirman Bhavan, New Delhi - 11, Dated : 02-08-2021 vide File No.P.15025/44/2020-FR and therefore the writ petition deserves to be dismissed.

17. The limb of the prayer of the Petitioner that the 1st Respondent has not ascertained the equivalency of BDS and MDS to that of a degree in medicine and rejected the request of the Petitioner to treat Petitioner's qualifications of BDS as equivalent to that of the qualification prescribed in the notification No.10/2019 relating to the recruitment for the post of Food Safety Officer (FSO) vide Notification No.10/2019 issued by the Telangana State Public Service Commission dated 31.12.2019 as illegal, is factually incorrect in view of the letter dated 02.08.2021 vide File Wp_14235_2020 SNJ No.P.15025/44/2020-FR which had been in fact issued in response to the clarification sought for by the 1st Respondent on qualification for the post of Food Safety Officer under Food Safety and Standards Act, 2006 and the expert committee constituted by the 1st Respondent herein also ascertained the equivalency of various qualifications i.e., MDS, BDS, BAMS, BHMS with a committee comprising with 3 Professors in its meeting held on 02.09.2020 in TSPSC Office and passed certain resolutions on the subject issue. This Court having considered the judgments relied upon by the petitioner, opines that they have no relevance to the facts of the case.

18. It is settled law that the Courts should not ordinarily interfere with the technical qualifications prescribed by the employer. A Full Bench of this Court in W.P.No.40157 of 2017 and batch (MALLESK KORUKORU v. STATE OF TELANGANA) rendered a judgment on 18.09.2020, in this context held as under:

"63. From the above presidential case law on all the four aspects it is, thus, safe to conclude that:

(a) & (b) xxx Wp_14235_2020 SNJ

(c) It is for the employer to prescribe procedure of selection for direct recruitment to public employment;

(d) xxx

e) The scope of judicial review in matters of prescribing qualifications, procedure of selection, and method of selection is very limited. The Writ Court cannot act as Court of appeal, and cannot determine what qualifications can be prescribed to hold a post;

it cannot prescribe the procedure of selection to make regular recruitment. Only when there is patent illegality in the selection procedure/process would the writ Court interfere.

92. it is for the employer to prescribe the qualifications required to hold a post. It is equally for the employer to prescribe the procedure for selection and to recruit the eligible and suitable persons for a post. Depending on the job description, the employer may stipulate educational qualifications, age, and experience. Posts in the higher echelons, specialized posts, posts in special establishments may require specialized qualifications, experience and only by a particular category of persons. Thus, depending on the requirements of a job, appropriate qualifications/eligibility criteria may be prescribed. It is the prerogative of the Wp_14235_2020 SNJ employer. Judicial review cannot be stretched to oversee what qualifications, eligibility criteria, and mode of selection should be prescribed by the employer."

19. This Court opines that in exercise of power of judicial review under Article 226 of the Constitution of India, this Court cannot interpret the eligibility criteria in such a manner which will have the effect of revising or modifying the eligibility criteria prescribed by the employer. As held in a catena of decisions, it is for the employer to prescribe the eligibility criteria and the same cannot be altered or reviewed by a Writ Court. Moreover, admittedly when there is no challenge by the petitioner to the recruitment notification. This Court opines that a Writ of Mandamus can be issued only when it is established by the petitioner that the petitioner has an existing legal right and the same has been infringed by the concerned authorities malafidely. The Petitioner herein have not made out any case warranting interference under Article 226 of the Constitution of India. Any interpretation of the eligibility criteria prescribed by the respondents would Wp_14235_2020 SNJ amount to this Court interfering in the decision making process of the administrative authorities, who are the best suited to decide who is suitable for appointment to a particular post as per the criteria prescribed in the advertisement.

20. Taking into consideration all the above referred facts and circumstances of the case and the law laid down by the Apex Court in the various judgements referred to and discussed above (i) In Zahoor Ahmad Rather &Ors. v. Sheikh Imtiyaz Ahmad &Ors. reported in 2019 (2) SCC 404, (ii) In Mohammad Shujat Ali &Ors. v. Union of India &Ors reported in 1975 (3) SCC 76, (iii) In Guru Nanak Dev University v. Sanjay Kumar Katwal&Anr., reported in 2009 (1) SCC 610, (iv) In J. Ranga Swamy v. Government of Andhra Pradesh and Others, reported in 1990 (1) SCC 288, (v) In State of Rajasthan &Ors. v. Lata Arun, reported in 2002 (6) SCC 252, and the judgment of Full Bench of High Court at Hyderabad in W.P.No.40157/2017 and batch in MalleshKorukoru Vs. State of Telangana referred to and discussed above, this Court opines that the present Wp_14235_2020 SNJ writ petition is devoid of merits and accordingly is dismissed. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SUREPALLI NANDA, J Date: 05.06.2023 Note: L.R. copy to be marked
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