

State of Haryana and Others

Vs

Anurag Srivastava and Another

Civil Appeal No. 193 of 1988

(Sujata V. Manohar, D. P. Wadhwa JJ)

26.11.1997

ORDER

1. The dispute relates to the selection of Respondent 2 to the post of Assistant Archivist by the Subordinate Service Selection Board, Haryana, pursuant to an advertisement dated 7-12-1980. Under the advertisement, one post of Assistant Archivist was in the general category, two posts were reserved for ex-servicemen and two were reserved for Scheduled Castes. Respondents 1 and 2 applied for the post of Assistant Archivist under the general category. Under the advertisement, the requisite qualifications are :

- (i) Master's degree or equivalent Honours degree in Modern Indian History with an optional paper of "post-1600 period" of a recognised university;
- (ii) Diploma in Archives-Keeping;
- (iii) Hindi up to matric standard. Desirable knowledge of typography, proof-reading and any Indian or foreign language besides English and Hindi.

The last date for submitting applications was 7-1-1982. After scrutinising the applications which were so received, interviews were held on 16-6-1981. The Subordinate Service Selection Board on 23-6-1981 recommended Respondent 2 for the said post. However, before any appointment order could be issued to Respondent 2, Respondent 1 filed a writ petition in the High Court on 17-10-1981. The High Court by its impugned judgment and order dated 31-5-1982 has held that Respondent 2 did not possess the requisite qualifications at the relevant date and hence she was not entitled to be selected. The present appeal is filed by the State of Haryana from the judgment and order of the High Court.

2. On the last date for receipt of applications, namely, 7-1-1981, Respondent 2 did not possess a Master's degree in Modern Indian History. She did possess a Master's degree in History, but in Group 'A', i.e., Medieval India. The marks-sheet which was annexed by her showed that the four papers which she had appeared in were in the group "Medieval India". The 2nd respondent herself has stated in her letter dated 3-7-1981, addressed to the Director, Haryana State Archives, Chandigarh, that she had passed MA Examination in History (1200 AD-1787 AD) from Kurukshetra University in 1978. One paper was for the period 1627 AD-1761 AD Apart from this, she had already appeared in MA Examination in Modern Indian History (1707 AD-1947 AD) for obtaining additional qualifications and the result was awaited.

3. She subsequently obtained an MA in History in Group 'B' "Modern Indian History" on 16-7-

1981. The High Court has rightly held that on 7-1-1981, the last date for submitting the application, the 2nd respondent did not possess a Master's degree with Modern Indian History as her subject. She obtained this qualification on 16-7-1981 subsequent to her interview and selection.

4. Learned counsel for the 2nd respondent has relied upon two decisions of this Court in Ashok Kumar Sharma v. Chander Shekhar [(1997) 4 SCC 18 : 1997 SCC (L&S) 913] and Rekha Chaturvedi v. University of Rajasthan [1993 Supp (3) SCC 168 : 1993 SCC (L&S) 951 : (1993) 25 ATC 234]. Both these judgments hold that the qualifications which have to be considered are those possessed as on the last date of filing applications. The High Court has, therefore, rightly held that the 2nd respondent did not possess the requisite qualifications at the material time and was not entitled to be selected under the advertisement of 7-12-1980. The appeal is, therefore, dismissed. There will be no order as to costs.