

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 7646/2012

PATWARI SINGH & ANR.

Appellants

VERSUS

STATE OF M.P. & ORS.

Respondents

CIVIL APPEAL NO. 7654/2012

PATWARI SINGH & ORS.

Appellants

VERSUS

STATE OF M.P. & ORS.

Respondents

CIVIL APPEAL NO. 7647/2012

ARVIND UPADHYAY AND ORS.

Appellants

VERSUS

STATE OF M.P. AND ORS.

Respondents

CIVIL APPEAL NO. 7655/2012

NRIPENDRA SINGH PATEL AND ORS.

Appellants

VERSUS

STATE OF M.P. AND ORS.

Respondents

CIVIL APPEAL NOS. 7648-7653/2012

VINOD KUMAR SHARMA AND ORS.

Appellants

VERSUS

STATE OF M.P. & ORS.

Respondents

CIVIL APPEAL NO. 7656/2012

**ALL INDIA SOCIETY FOR ELECTRONICS AND
COMPUTER TECHNOLOGY**

Appellant

VERSUS

STATE OF M.P. & ANR.

Respondents

ORDER

1. Civil Appeal Nos. 7646/2012, 7647/2012, 7655/2012, 7648-7653/2012 and 7656 of 2012 are directed against the judgment and order dated 20th January, 2010, 6th October, 2009; 15th February, 2010; 6th October & 7th October, 2009, and 11th May, 2010, respectively, passed by a Division Bench of the High Court of Madhya Pradesh. By the judgment and order, impugned in the said appeals, dismissal of the writ petitions presented by all the appellants by the learned Single Judge, by orders of varying dates, were upheld.

2. While dismissing the writ appeals, as aforesaid, the Division Bench placed reliance on an earlier judgment and order of the Division Bench of the same High Court dated 5th October, 2009, passed in a batch of writ petitions with Writ Petition No. 8419 of 2009 being the lead petition. The said judgment and order dated 5th October, 2009 forms the subject matter of challenge in Civil Appeal No. 7654 of 2012.

3. These appeals involve a short question of law as to whether by the impugned circular dated 27th July 2009¹, the Commissioner, Land Records and Settlement, Madhya Pradesh altered any of the qualifications required for appointment on the post of Patwari mid-way during the process of selection. Obviously, therefore, the fate of all the appeals would depend on whether the

1 Circular

judgment and order dated 5th October, 2009 deserves acceptance by this Court or not. If accepted, all these civil appeals would fail while non-acceptance would result in allowing the claims of the appellants.

4. An advertisement was issued on 5th June, 2008 inviting applications for appointment of Patwaris on 2194 vacant posts. Among other qualifications, clause 1.8 required the aspirants to fulfil the following qualification:

“1.8 Educational Qualification:
Candidate must have passed Higher Secondary or High School (10+2) Examination and must also possess ‘O’ level certification from DOEACC/IETE or 1 year Diploma in Computer Application (DCA) from an institute affiliated/registered/recognized by a University which should have been recognized by University Grants Commission (UGC), or Higher Education in computer.”

(emphasis supplied)

5. It is not in dispute that the appellants had participated in the selection process and acquitted themselves creditably. Their names figured in the merit list too. However, prior to verification of their testimonials/certificates (which was an exercise required to be completed in terms of the advertisement itself), the Commissioner issued the Circular. It was laid down therein *inter alia* as follows:

“3. DCA Certificates which were sent by some collectors were sent to concerned University for the authenticity. It was informed by the Universities that if any institute is recognized/affiliated/registered with the University then also they don’t have the right to issue any Certificate. If any institution has issued the DCA Certificate under their seal and signatures then such certificates are not valid. Similarly DOEACC Society has also informed that only such ‘O’ Level Computer certificates are valid which have been issued by DOEACC Society Delhi. Certificates issued by institute which is affiliated to DOEACC is not valid.

4. Therefore it directed that only those candidates who have the Certificates issued by University duly signed and stamped (*sic*). DCA Certificates issued under the seal and signature of any recognized/affiliated/registered institute of University

should not be accepted. Similarly if any institute is affiliated to DOEACC only those Computer 'O' Level Certificates are valid which have been issued by DOEACC Society Delhi under its seal and signatures. Certificates issued by affiliated institutes are not valid.

5. DCA Certificates in respect of candidates which have been examined should be re-examined in the light of above instructions."

(emphasis supplied)

6. It is not in dispute that the appellants' claims of being qualified for the post of Patwari stem from awarding of Diploma in Computer Application² certificates by two institutes, viz. Rajeev Gandhi Computer Saksharta Mission, Indore and Sarva Computer Saksharta Mission, Indore³. It appears from an affidavit, which we propose to refer to shortly, that SCSM is affiliated to the Maharshi Mahesh Yogi Vaidik Vishvavidhyalay⁴. Insofar as the former institute is concerned, it is admitted at the bar that the same is also affiliated to a university but the name of such university is not too clear. Be that as it may, the certificates which the appellants sought to rely upon in support of their claims that they had the requisite qualifications, were not issued by the university, to which they are affiliated; rather, the same were issued by the respective institutes where the appellants undertook the course and from where they claimed to have acquired the qualification of DCA.

7. In course of hearing, our attention has been drawn to an affidavit filed on behalf of the University. Paragraph 4 of such affidavit being relevant, is quoted hereunder:

"4. That the petitioners before your lordships are claiming that they are eligible to be appointed as Patwaris on the strength of diploma certificates issued to them by institution namely Sarva Computer Saaksharta Mission, Indore which is only

2 DCA
3 SCSM
4 University

authorised by the answering respondent University to run the courses. The said institution is not authorized to issue any kind of diploma/degree certificate in the name of the answering respondent University. Under the Act, it is only the answering respondent University which can issue diploma/degree/other certificate after conducting examination in accordance with law. Thus it is graphically clear that the petitioners do not hold any valid certificate and thus cannot be held to be eligible for being appointed as Patwaris.”

8. It is, therefore, crystal clear that the appellants were issued certificates by SCSM and not by the University. The appellants, who took admission in SCSM, were not even registered with the University prior to taking admission in the one-year DCA course.

9. Now, advertent to the Circular issued by the Commissioner, we do not find that the same intended to alter the qualifications which were advertised after the process had commenced, as argued by Mr. Hooda, learned senior counsel for the appellants. A careful reading of clause 1.8 would reveal its dominant purpose. It was to ensure that a university recognized by the University Grants Commission⁵, should certify that a candidate, upon successful completion of a year's course in such university affiliated institute, has qualified for the DCA. In our considered opinion, the recruiting authority by issuing the Circular was perfectly justified in insisting that certificates issued only by the affiliating university be considered and not those which were issued by the institutes where the aspirants claim to have pursued the DCA course. The intention of the recruiting authority is too clear to admit of any doubt. Had the intention not been so, we wonder why reference to the university being recognized by the UGC was required to be made in clause 1.8.

10. It does not also admit of any doubt that it is entirely within the preserve of

5 UGC

the employer to prescribe qualifications for a post and to ensure that the best possible talent is selected and, at the same time, aspirants who had obtained certificates not issued by the universities, to which the institutes were affiliated, but by the institutes themselves are weeded out. Any certificate issued by the institutes without the seal and stamp of the affiliating university has to be discarded was the requirement that the Commissioner insisted through the Circular which, we are certain, was iteration of clause 1.8.

11. The High Court in its impugned judgment and order dated 5th October, 2009 examined the issue thoroughly and extensively and returned findings to the effect that the relevant rule under challenge before it was neither *ultra vires* nor did the recruiting authority proceed in a manner so as to affect the right of any aspirant aspiring for appointment on the post of Patwari after the process had commenced.

12. The impugned judgment and order dated 5th October, 2009 being unexceptionable, we see no reason to interfere therewith. The other impugned judgment and order, which relied on the judgment and order dated 5th October, 2009, must necessarily be upheld which we hereby do. The Civil Appeals, thus, stand dismissed.

13. Applications for impleadment and/or intervention as well as any other pending application, if any, stand disposed of.

.....J.
[DIPANKAR DATTA]

.....J.

[SANJAY KAROL]

**New Delhi;
October 17, 2024.**

ITEM NO.101

COURT NO.15

*corrected for IAs
SECTION IV-C**S U P R E M E C O U R T O F I N D I A**
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7646/2012

PATWARI SINGH . & ANR.**Appellant(s)****VERSUS****STATE OF M.P.. & ORS.****Respondent(s)**

IA No. 64790/2013 - APPLICATION FOR INTERVENTION
IA No. 102033/2012 - APPLICATION FOR INTERVENTION
IA No. 128689/2022 - EARLY HEARING APPLICATION
IA No. 94582/2021 - EXEMPTION FROM FILING O.T.
IA No. 7/2012 - INTERVENTION/IMPLEADMENT
IA No. 135624/2017 - INTERVENTION/IMPLEADMENT
IA No. 94579/2021 - INTERVENTION/IMPLEADMENT

WITH**C.A. No. 7654/2012 (IV-C)****C.A. No. 7647/2012 (IV-C)****C.A. No. 7655/2012 (IV-C)*****IA No. 161487/2024 -Appln. for Impleadment****IA No. 172640/2024- Appln. for Impleadment****IA No. 91584/2024 - INTERVENTION/IMPLEADMENT****C.A. No. 7648-7653/2012 (IV-C)****C.A. No. 7656/2012 (IV-C)****Date : 17-10-2024 These matters were called on for hearing today.**

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s) Ms. Usha Nandini V., AOR
Mr. Vikrant Singh Bais, AOR

Mr. Durga Dutt, AOR
Mr. Nilendra Pratap Singh, Adv.
Mr. Shailendra Pratap Singh, Adv.
Mr. Abhishek Raj, Adv.
Ms. Rashi Verma, Adv.

Mr. Narender Hooda, Sr. Adv.
Mr. Jasbir Singh Malik, Adv.
Ms. Rashim Bath, Adv.
Ms. Anjali, Adv.
Mr. Narender Kumar Sharma, Adv.
Ms. Suman Sharma, Adv.
Mr. Varun Punia, AOR

For Respondent(s) Mr. S. K. Verma, AOR
Mr. Abhijit Sengupta, AOR

Mr. Sarthak Raizada Ga, Adv.
Mr. Sarad Kumar Singhania, AOR

Mr. Arjun Garg, AOR
Mr. Harsh Parashar, AOR
Mr. Vikrant Singh Bais, AOR
Mr. Sunny Choudhary, AOR

Mr. Santosh Kumar, Adv.
Mr. Yadav Narender Singh, AOR

Mr. Nilendra Pratap Singh, Adv.
Mr. Shailendra Pratap Singh, Adv.
Mr. Prasanna Mohan, Adv.
Mr. Maneesh Saxena, Adv.
Mr. Niteen Kumar Sinha, AOR

Mr. Rameshwar Prasad Goyal, AOR
Mr. Vikrant Singh Bais, AOR

**UPON hearing the counsel the Court made the following
 O R D E R**

1. The civil appeals stand dismissed in terms of the signed order.
2. Applications for impleadment and/or intervention as well as any other pending application, if any, stand disposed of.

(JATINDER KAUR)
 P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
 COURT MASTER (NSH)

[Signed order is placed on the file]

ITEM NO.101

COURT NO.15

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

IA

**54257/2010,59348/2010,69193/2012,102033/2012,3/2010,64790/2013,
30944/2014,40944/2014,7/2012,135624/2017,94579/2021/94582/2021,
128689/2022, in Civil Appeal No(s). 7646/2012**

PATWARI SINGH . & ANR.**Appellant(s)****VERSUS****STATE OF M.P.. & ORS.****Respondent(s)**

**IA No. 64790/2013 - APPLICATION FOR INTERVENTION
IA No. 102033/2012 - APPLICATION FOR INTERVENTION
IA No. 128689/2022 - EARLY HEARING APPLICATION
IA No. 94582/2021 - EXEMPTION FROM FILING O.T.
IA No. 7/2012 - INTERVENTION/IMPLEADMENT
IA No. 135624/2017 - INTERVENTION/IMPLEADMENT
IA No. 94579/2021 - INTERVENTION/IMPLEADMENT**

WITH**C.A. No. 7654/2012 (IV-C)****C.A. No. 7647/2012 (IV-C)****C.A. No. 7655/2012 (IV-C)****IA No. 91584/2024 - INTERVENTION/IMPLEADMENT****C.A. No. 7648-7653/2012 (IV-C)****C.A. No. 7656/2012 (IV-C)****Date : 17-10-2024 These matters were called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SANJAY KAROL**

**For Appellant(s) Ms. Usha Nandini V., AOR
Mr. Vikrant Singh Bais, AOR**

**Mr. Durga Dutt, AOR
Mr. Nilendra Pratap Singh, Adv.
Mr. Shailendra Pratap Singh, Adv.
Mr. Abhishek Raj, Adv.
Ms. Rashi Verma, Adv.**

Mr. Narender Hooda, Sr. Adv.
Mr. Jasbir Singh Malik, Adv.
Ms. Rashim Bath, Adv.
Ms. Anjali, Adv.
Mr. Narender Kumar Sharma, Adv.
Ms. Suman Sharma, Adv.
Mr. Varun Punia, AOR

For Respondent(s) **Mr. S. K. Verma, AOR**
Mr. Abhijit Sengupta, AOR

Mr. Sarthak Raizada Ga, Adv.
Mr. Sarad Kumar Singhania, AOR

Mr. Arjun Garg, AOR
Mr. Harsh Parashar, AOR
Mr. Vikrant Singh Bais, AOR
Mr. Sunny Choudhary, AOR

Mr. Santosh Kumar, Adv.
Mr. Yadav Narender Singh, AOR

Mr. Nilendra Pratap Singh, Adv.
Mr. Shailendra Pratap Singh, Adv.
Mr. Prasanna Mohan, Adv.
Mr. Maneesh Saxena, Adv.
Mr. Niteen Kumar Sinha, AOR

Mr. Rameshwar Prasad Goyal, AOR
Mr. Vikrant Singh Bais, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

1. The civil appeals stand dismissed in terms of the signed order.
2. Applications for impleadment and/or intervention as well as any other pending application, if any, stand disposed of.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

[Signed order is placed on the file]