

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION NO. 3054 of 2011**

CORAM: HONOURABLE MR.JUSTICE C.L. SONI

Date of Judgment: 13/05/2013

CHARAN HARENDRASINH ABHESINH....Petitioner(s)

Versus

GUJARAT PUBLIC SERVICE COMMISSION & 1....Respondent(s)

ORAL JUDGMENT

This petition is filed under Article 226 of the Constitution of India seeking to quash and set aside the decision of respondent No.1 – Gujarat Public Service Commission rejecting his candidature for the post of Assistant Conservator of Forests/Range Forest Officer, Class-II and to declare him eligible to be considered for appointment on the said post.

The petition is opposed by respondent No.1 by filing reply affidavit stating therein that it is clearly provided in the advertisement that those candidates who appeared at the degree certificate examination up to 30th March, 2010 i.e. last date for submission of application but their results were not declared would be permitted to appear in the preliminary test. The petitioner had not submitted the mark sheet of the final year degree certificate along with his application. The petitioner was asked to submit such degree certificate to which the petitioner informed the respondent Commission that the result was not declared and therefore, he was not able to submit required document of his degree qualification. Respondent No.1 Commission permitted the petitioner to appear in the preliminary test held on 30.5.2010. It is further stated that the petitioner then submitted copy of mark sheet of Third Year B.Sc. with the application for the main examination on 30.8.2010 wherefrom it was found that the degree examination wherein the petitioner had appeared was held in the month of April, 2010. Therefore, the petitioner had not appeared in the degree certificate examination before 30.3.2010 and under the circumstances, the candidature of the petitioner was rejected. In such action on the part of the respondent Commission, no illegality is committed.

Such decision taken by the respondent Commission cannot be said to be unreasonable or arbitrary and cannot be substituted by this court while exercising the powers under Article 226 of the Constitution of India. In fact, respondent Commission once having intended to treat only those candidates qualified who had appeared in degree certificate examination prior to 30.3.2010, respondent Commission is the best authority to decide the eligibility of such candidates on the basis of degree certificate produced by the candidates. Respondent Commission having taken the decision that the date and month mentioned in the degree certificate shall be considered as the date and month for degree examination, no illegality could be found in such decision, therefore, no relief could be granted to the petitioner. Hence the petition is required to be dismissed.

Detail Judgement is also available on <http://www.gujarathighcourt.nic.in/>