

THE STATE OF M.P. AND ORS.
v.
RAGUVEER SINGH YADAV AND ORS.

AUGUST 8, 1994

[K. RAMASWAMY AND N. VENKATACHALA, JJ.]

Service Law—M.P. Standard of Weights and Measurement (Enforcement) Rules, 1989—Recruitment—Post of Inspectors—Notification Issued—Written examination held and results declared—Interview cards issued—Amendment of Rules altering eligibility qualifications—Claims of candidates on the basis of marks secured—Whether State is entitled to withdraw notification by which it previously notified recruitment and to issue fresh notification on the basis of amended rules—Held—Amended Rules have only prospective operation.

For recruitment to the posts of Inspectors, Department of Weights and Measure in the State of M.P., an advertisement was issued on July 27, 1987 calling for applications from eligible candidates. The qualifications prescribed for eligibility was degree in Arts or Commerce or Science or Engineering or Diploma in Engineering. Written examinations were held and the results were declared on August 26, 1989. Interview cards were issued to the successful candidates. In the meanwhile the Government amended the rules by M.P. Standard of weights and Measurement (Enforcement) Rules, 1989 and altered the eligibility qualifications for appointment to these posts by prescribing a degree in Science with Physics as a subject or degree in Engineering or Technology or Diploma in Engineering.

The respondents challenged the Amended Rules contending that having issued the Notification for filling up the posts the State had to proceed with recruitment only as per the qualification prescribed in the notification and that subsequent amendment to the Rules should not stand in the way of the Recruitment Board to consider the claims, on basis of marks secured by them in the examination and also interviews to be held. The Tribunal allowed the application. The State preferred an appeal to this Court against the above order of the Tribunal.

Allowing the appeal, this Court

A **HELD:** It is settled law that the State has got power to prescribe qualifications for recruitment. In the instant case pursuant to Amended Rules, the government has withdrawn notification and wants to proceed with the recruitment afresh. It is not a case of any accrued right. The candidates who appeared for the examination and passed the written examination had only legitimate expectation to be considered of their claims according to the rules then in vogue. The amended rules have only prospective operation. The Government is entitled to conduct selection in accordance with the changed rules and make final recruitment. No candidate acquired any vested right against the State. The State is entitled to withdraw the notification by which it had previously notified recruitment and to issue fresh notification in that regard on the basis of the amended rules. [461-F-G]

P. Mahendran & Ors. v. State of Karnataka & Ors., distinguished.

D **CIVIL APPELLATE JURISDICTION :** Civil Appeal No. 5627 of 1994.

From the Judgment and Order dated 12.10.1993 of the Madhya Pradesh Administrative Tribunal, in O.A. No. 2484 of 1989.

E Kashev Dayal, Rajinder Singhvi and S.K. Agnihotri for the Appellants.

B.S. Banthia for the Respondents.

The following Order of the Court was delivered :

F Delay condoned.

Leave granted.

G This appeal arises from the order of the M.P. Administrative Tribunal, Jabalpur in O.A. No. 2484/89, dated October 12, 1993 directing the appellant to proceed with the selection of the candidates without taking into account the amendment made to the Rules, introducing the B.Sc. as a qualification for consideration of the applications of candidates. The facts lie in a short copass :

H For recruitment to the posts of Inspectors, Department of Weights

and Measures in the State of M.P., an advertisement was issued on July 27, 1987 calling for applications from eligible candidates. The qualification prescribed for eligibility was degree in Arts or Commerce or Science or Engineering or Diploma in Engineering. It would appear that written examinations were held and result were declared on August 26, 1989. Thereafter, the Board issued interview cards to the successful candidates. In the meanwhile, the Government amendment the Rules by M.P. Standard of Weights and Measurement (Enforcement) Rules, 1989 in consultation with Government of India and Public Service Commission and altered the eligibility qualification for appointment to those posts by presenting degree in Science with Physics as a subject or Degree in Engineering or Technology or Diploma in Engineering. The respondents challenged the Amended Rules on the ground that having issued the Notification for filling up the posts of Inspectors with Degree of Arts and Commerce the State had to proceed with the recruitment only as per the qualification prescribed in the Notification and the subsequent amendment to the Rules should not stand in the way of the Recruitment Board to Consider the claims on the basis of marks secured in the examination and also interview to be held. In other words the amended rules have no retrospective operation. This contention was found favour with the Tribunal and accordingly the Tribunal allowed the application.

It is not in dispute that Statutory Rules have been made introducing Degree in Science or Engineering or Diploma in Technology as qualifications for recruitment to the posts of Inspector of weights and Measure. It is settled law that the State has got power to prescribe qualifications for recruitment. Here is a case that pursuant to Amended Rules, the Government has withdrawn the earlier notification and wants to proceed with recruitment afresh. It is not a case of any accrued right. The candidates who had appeared for the examination and passed the written examination had only legitimate expectation to be considered of their claims according to the rules then in vogue. The amended rules have only prospective operation. The Government is entitled to conduct selection in accordance with the change rules and make final recruitment. Obviously no candidate acquired any vested right against the State. Therefore, the State is entitled to withdraw the notification by which it had previously notified recruitment and to issue fresh notification in that regard on the basis of the amended rules.

The ratio in *P. Mahendran & Ors. v. State of Karnataka & Ors.*, A.I.R. H

- A (1990) SC 405 has no application to the facts in this case. In that case, for the posts of Motor Vehicles Inspector, apart from the qualifications prescribed, they issued additional qualifications and selection was sought to be made on the basis of additional qualifications. It was held that since recruitment was sought to be made on the basis of the qualifications prescribed, the additional qualifications prescribed thereafter have no retrospective effect to the recruitment already set in motion. Under those circumstances, additional qualifications were directed not to be taken into account for considering the claims of the candidates on the basis of the original advertisement. The ratio therein clearly inapplicable to the facts in this case.
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- C The appeal is accordingly allowed but in the circumstances without costs. The State is directed to issue fresh notification within a period of six weeks from the date of the receipt of this order for recruitment in accordance with the amended rules.

A.G.

Appeal allowed.