

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3862 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 3289 OF 2014]

NAGALAND PUBLIC SERVICE COMMISSION Appellant(s)

VERSUS

STATE OF NAGALAND & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 3864 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 3290 OF 2014]

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The short dispute that arises for consideration in these two appeals is on the essential qualification for the post of Lecturer, Chemistry in the Higher Education Department in the State of Nagaland.

3. The prescribed qualification is M.Sc. in the subject concerned. The appellant, in the connected matter, is only M.Sc. in Biochemistry. It is the contention of the appellants that Biochemistry is Chemistry for all purposes.

4. We find it difficult to accept the submission. It may be seen from the advertisement itself for Item No. 10, that for the post of Lecturer in Chemistry, what is prescribed is only M.Sc. without any further description. It is a post in the Department of Information Technology and Technical Education. But for the post of Lecturer in Chemistry in Higher Education, the prescribed qualification, being M.Sc. in the subject concerned, namely, Chemistry itself, the appellant - Nagaland Public Service Commission is not right in completing selection based on the opinion sought from the expert that Biochemistry is Chemistry for all purposes.

5. Qualification is something to be prescribed by the State Government, the appointing authority. The Commission is only to go by the qualification and it cannot improve upon that. Since the State does not have a case that the appellant possesses the required qualification and rightly so, we find no merit in the appeals, which are, accordingly, dismissed.

6. However, dismissal of the appeals shall not stand in the way of the State Government amending the qualification in case of non-availability of the candidates from the same tribe, and making fresh selection in accordance with the new instructions

which are said to have been issued by the State Government.

7. In case the appellant is otherwise eligible in terms of the fresh instructions issued by the State Government and in view of the mandatory reservation, we make it clear that it will be open to the State Government to relax the age of the appellant for the purpose of application.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
March 09, 2017.

ITEM NO.12

COURT NO.7

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 3289/2014

(Arising out of impugned final judgment and order dated 08/08/2013 in WA No. 32/2010 08/08/2013 in WA No. 32(K)/2010 passed by the High Court Of Gauhati)

NAGALAND PUBLIC SERVICE COMMISSION

Petitioner(s)

VERSUS

STATE OF NAGALAND & ORS.

Respondent(s)

(with interim relief and office report)

WITH

SLP(C) No. 3290/2014

(With Office Report)

Date : 09/03/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Pinky Behera, Adv.
Mr. K. Loikang Michael, Adv.

For Respondent(s) Ms. K. Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Mr. Z.H. Isaac Haiding, Adv.

Mr. Somesh Kumar Dubey, Adv.
Mr. Venkita Subramonium, Adv.

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

Leave granted.

The appeals are dismissed in terms of the signed non-reportable Judgment.

Pending interlocutory applications, if any, stand disposed
of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)