

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE VIVEK JAIN
WRIT PETITION No. 3504 of 2020**

MANOHAR SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Arun Kumar Pandey with Shri Udit Prakash Pandey- Advocate for the petitioner.

Shri V.P. Tiwari–Government Advocate for the respondent - State.

Shri Shubham Manchani- Advocate for the respondent No.4.

Shri Saurabh Sunder – Advocate for the respondent Nos.5, 7 & 8.

ORDER

(Reserved on:-23.07.2025)

(Pronounced on:- 31.07.2025)

The present petition has been filed challenging the rejection of candidature of the petitioner on the posts of Hospital Manager, Assistant Hospital Manager and Deputy Registrar in the respondent No.4 Medical College, i.e. Gandhi Medical College, Bhopal. The rejection of candidature of petitioner has been put to challenge by the petitioner.

2. Learned counsel for the petitioner contended that the petitioner has been disqualified for the post of Hospital Manager by placing his name at serial No.11 in the list of ineligible candidates mentioning reason “*required minimum qualification degree not attached*”. For the post of Assistant Hospital Manager, his name has been mentioned at serial No.7 in the list of ineligible candidates

with the same reason. However, in the list of Deputy Registrar his name has been mentioned in the list of eligible candidates at serial No.29, but he was not called for interview.

3. Learned counsel for the petitioner further argued that as per the terms of advertisement Annexure P-3, the requisite qualification was “Master of Hospital Administration/Master of Hospital Management” with three years experience of hospital management. The petitioner has been disqualified on the ground that he does not have the degree of Master of Hospital Administration/Master of Hospital Management. Therefore, he has been disqualified. However, by placing reliance on mark sheet of the petitioner so also his degree, it is contended that petitioner has duly attained the qualification of MBA in Hospital Management from Punjab Technical University, Jalandhar, which is State University run by Government of Punjab. He has attained the degree in April, 2014 and therefore, there was no reason for the respondents to have disqualified the petitioner for not having the requisite qualification.

4. It is further argued that in the affidavit placed on record in compliance of order dated 20.03.2024, the respondents have now come out with a new ground of disqualification of the petitioner, which is that the petitioner is also over age, though it was not the ground initially on which the petitioner was disqualified by the impugned communications Annexure P-3. It is contended that the petitioner is a candidate belonging to OBC category and there is a general relaxation of five years and the age limit. It is contended that the

petitioner had duly submitted his OBC category certificate along with the application form and as per the said OBC category certificate the petitioner was entitled to relaxation in age by five years and therefore, his maximum age limit would be 45 years in place of 40 years and hence, the additional reason being put forth by the respondents in the affidavit filed before this Court only demonstrates the malice of the respondents in conducting the recruitment process in highly biased manner and the manner in which they anyhow want to disqualify the present petitioner.

5. *Per contra*, it is contended by learned counsel for the respondent medical college that the petitioner did not have the requisite educational qualification. By placing reliance on reply of respondent No.4, it is contended that the requisite qualification was Master of Hospital Administration/Master of Hospital Management, whereas the petitioner has qualified MBA in Hospital Administration. It is further contended that even the MBA in Hospital Administration cannot be accepted, because though the mark sheets mention MBA in Hospital Administration, but the degree only mentions MBA and does not mention Hospital Administration in “brackets”. Therefore, since the application form only required the candidate to only submit copy of degree along with the application form the college has rightly taken only the degree in consideration and not the mark sheet in consideration, though admittedly mark sheets were filed along with the application form, because there was no provision to file mark sheets with the application form and the college has done

right thing by ignoring the mark sheets, though those clearly mention MBA in Hospital Administration, but the mark sheets were superfluous documents produced by the petitioner and could not have been seen by the respondent No.4.

6. When faced with query of this Court that the selected candidates have also attained MBA in Hospital Administration or Hospital Management, then the counsel for respondent No.4 took a new stand before this Court and stated that as per the Notification issued by UGC placed on record as Annexure R-1, it has been laid down by UGC as per point No.37 of UGC Notification dated 05.07.2014 as available at page No.21 of their reply, the degree of Master in Hospital Administration (MHA) has been restructured as MBA/M.Com (Hospital Administration). Therefore, the respondent No.4 has rightly accepted the degree of private respondents and rightly rejected the degree of the petitioner, because the degree did not mention the words “hospital administration” in brackets, though the mark sheets may so mention, but since mark sheets were not called by the college, therefore, the college ignored the mark sheets and only looked at the degree and nothing else.

7. Learned counsel for the private respondent also adopted the arguments put forth by learned counsel for the Medical College and further submitted that in view of the equivalence notified by the UGC vide Notification dated 05.07.2014, the private respondents have attained the degree of MBA in Hospital Administration and therefore, they are duly qualified to hold the post.

It is submitted that the degrees of private respondents duly mention in brackets “Hospital Administration” or “Hospital Management”. However, nothing has been mentioned within brackets in the degree of the petitioner and therefore, the college has done the right thing by disqualifying the petitioner and holding the private respondents as eligible and entitled to participate.

8. Heard.

9. The sole issue that arises for consideration is that whether the respondent No.4 could have ignored the degree of MBA of the petitioner and hold him to be not having requisite qualification for the posts in question.

10. This Court on 10.01.2014 during course of hearing of this petition had directed to the respondents to produce the original application form submitted by the petitioner so as to arrive at a conclusion that how the petitioner has been declared disqualified. Further on 09.02.2024, this Court during course of hearing of this petition had expressed surprise that how the petitioner was declared qualified for the post of Deputy Registrar, but disqualified for the post of Hospital Manager and Assistant Manager though the requisite educational qualification for all the three posts was the same.

11. Later this Court passed yet another very detailed order on 20.03.2024 and called for personal affidavit of the Dean-cum-CEO of Gandhi Medical College, Bhopal that how the petitioner was held eligible for the post of Deputy Registrar, but held ineligible for the post of Assistant Registrar. The respondents have filed affidavit vide document No.4957/2024 and have placed

on record that at the time of final scrutiny of petitioner's document it was found that petitioner does not possess the requisite qualification of having degree of MHA/MHM and therefore, he was declared ineligible by the scrutiny committee.

12. So far as the petitioner being declared having requisite qualification for the post of Deputy Registrar is concerned, it is very surprisingly mentioned in para 5 of the affidavit that he was found provisionally eligible and not finally eligible. It is utterly surprisingly to this Court that if he was found provisionally eligible for the post of Deputy Registrar, then why the petitioner was not found provisionally eligible for the post of Hospital Manager and Assistant Manager and it is clear that the respondents have only submitted the affidavit by way of eye wash. In para 5 of the affidavit vide document No.4957/2024, the following has been mentioned :-

“5. That, the aforesaid submission was made by relying on the document at Pg. No. 34 of the petition wherein the name of the Petitioner founds mention at Serial No. 29 in the list of Eligible Candidates (Eligible for Interview). The term eligible refers to the provisional eligibility of the petitioner which was subject to verification of all original documents which is different from the final eligibility reached upon by the scrutiny committee at the time of final scrutiny. The instant fact was not clarified in the initial return which was submitted by the answering Respondent herein. The answering Respondent herein therefore, most humbly pray to clarify through this instant affidavit that the

aforesaid submission made before this Hon'ble Court was based upon the document at Pg. No. 34 of the petition which is on record."

13. It is further mentioned in the affidavit that the University has awarded degree in violation of the UGC regulations by issuing degree of MBA in place of degree in MBA (Hospital Management or Hospital Administration). It is contended that the degree of the petitioner is unspecified degree. Another plea is taken that the petitioner is over age, because the caste certificate attached by the petitioner is not digital caste certificate, but a manual caste certificate.

14. From a perusal of this affidavit, it is clear that the respondents are running here and there and beating about the bush to avoid coming to the actual question that whether the petitioner was validly disqualified for the post of Hospital Manager and Assistant Manager. It appears that since the petitioner was in line to be selected for the said two posts, therefore, the college authorities by hook or crook and in a malicious manner, rejected the candidature of the petitioner for these posts and only because for the post of Deputy Registrar he was lower down in the merit and there was no apprehension that the petitioner may be selected, that the respondents had declared him as having requisite minimum qualification. If they had known that this act of fairly acting so far as the post of Deputy Registrar is concerned would come in their way for the remaining two posts where they have maliciously acted, then it is possible

that they would have declared the petitioner ineligible for the post of Deputy Registrar also.

15. The respondent – college has taken all out efforts to raise all sorts of malicious pleadings and defences just to justify their unjustifiable action in the matter. In the additional affidavit filed in compliance of order dated 20.03.2024, they have even gone to the length of stating that the OBC category certificate of the petitioner is not acceptable. This is utterly surprising because no such reason was mentioned in the rejection list that the petitioner is over age and that their OBC certificate is unacceptable.

16. It is settled in law that an impugned order has to be tested on the anvil of reasons mentioned therein and no new reasons can be brought on record at the time and the action is challenged before the Court of law. Reasons are the heard-beat of the orders and in the light of the judgment passed by the Supreme Court in the case of *Mohinder Singh Gill and Another Vs. Chief Election Commissioner, New Delhi and Others, reported in (1978) 1 SCC 405*, reasons which were not mentioned in the order cannot be supplied by a supplementary affidavit, because the action is to be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise.

17. From a perusal of the original record, which has been produced by Shri Manchani during the course of argument before this Court, it is evident that the OBC category certificate of the petitioner duly issued by the Sub Divisional Officer, Gauharganj, District Raisen is on record with application forms for

both, Hospital Manager and Assistant Manager at page-16 of application. It is a digital certificate having QR code and mentions so that it is digital certificate having digital certificate number RS/446/0106/7513/2019 mentions that it can be verified digitally on the website <http://mpedistrict.gov.in> as per the said digital certificate number. Despite this, the respondents have maliciously made averment in the affidavit that the petitioner did not annex digital certificate of OBC category along with the application form. The Dean, Gandhi Medical College is guilty of submitting false assertions on affidavit. This Court therefore, has to pass some order against Dr. Salil Bhargava, Dean, Gandhi Medical College, Bhopal for submitting false averments in affidavit in para13 of affidavit in the following manner.

“13. That, it is further submitted that in any case, the Petitioner herein will not be eligible for the advertised posts of Assistant Hospital Manager, Deputy Registrar and Hospital Manager since, the Petitioner does not fall within the prescribed age category of below 40 years. Additionally, Petitioner’s submission that he can opt for age relaxation is further not sustainable since, the Petitioner failed to attach the digital caste certificate as provided for in Point 11 of the application form. Hence, in terms of Clause 4 of the advertisement, the Petitioner failed to attach the requisite digital caste certificate and consequently, the application of petitioner cannot be considered due to attaching incomplete documents.”

18. This Court intended to direct registration of FIR against the said deponent under section 227 BNS, but since the said person is at verge of retirement, being 64 years of age, therefore, instead of directing criminal prosecution, this Court directs imposition of penalty of Rs.2.00 lacs (Rupees five lacs only) on the then Dean. Let the penalty be deposited within 90 days of this order, failing which the Commissioner of Police, Bhopal shall register an appropriate case against the then Dean, Gandhi Medical College, Bhopal. The amount shall be deposited for philanthropic/welfare/public interest activities in the following manner :-

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|-------------------------------|--------------|
| M.P. Police Welfare Fund | Rs. 80,000/- |
| National Defence Fund | Rs. 40,000/- |
| Armed Forces Flag Day Fund | Rs. 40,000/- |
| M.P. SLSA | Rs. 20,000/- |
| MP High Court Bar Association | Rs. 20,000/- |

19. So far as the merits of the case are concerned, the respondents have taken a plea that the degree of the petitioner did not mention the word “Hospital Administration” within brackets and it is plain MBA degree. The respondents have further submitted that since mark sheets was not required to be filed along with the application, therefore, they did not peruse the mark sheet and simply ignored the mark sheet at the time of scrutiny. Though the mark sheets clearly mentioned MBA (Hospital Management).

20. The said assertion is totally contrary to the terms of advertisement Annexure P-3. From a bare perusal of the form attached to the Notification, as available at page 30 of the petition in column 9 within brackets it is clearly mentioned that self attested copies of all certificates and mark sheets need to be annexed. The said instructions is as under:-

“09. शैक्षणिक योग्यताएँ :-(प्रमाण पत्र एवंअंकसूची की स्वप्रमाणित सत्यापितछायाप्रतिसंलग्नकरें)पद के अनुसार योग्यताअंकितकरें ।”

21. The respondents have relied on para 11 of the application form to state that only some documents as required in para 11.1 to 11.07 had to be filed and as per para 11.2, copy of degree was required to be filed. However, the respondents while making such assertions have forgotten their own para 9 of the application form, which mandated filing of all the mark sheets. Therefore, it is glaring case of malicious action of the respondent No.4 in ignoring the mark sheets.

22. The basic degree is MBA. It is well known that MBA has many specializations like marketing management, production, finance, HR, Hospital Management, IT/systems, etc. The degrees are issued on printed forms and the basic degree is Master of Business Administration. The migration certificate mentions the degree as Master of Business Administration – Hospital Management, which is part of the application form as available in original record. The mark sheets of each and every semester are also on record all of

which mention the course as Master of Business Administration (Hospital Management).

23. When faced with this situation, Shri Manchani, learned counsel for the respondent No.4 had argued that the mark sheets seem suspicious, because the petitioner had completed second semester after fourth semester, which seems to be suspicious. When this Court posed a query to Shri Manchani that it usually happens that a person either becomes ex-student in any particular semester or has ATKT or has back papers in some particular semester and clears the semester at later stage, and whether or not it was obligatory for the respondents to have first verified from the concerned University before disbelieving the mark sheet, Shri Manchani had no reply to that, except to say that the mark sheets were not to be seen at all. It is evident that the respondent No.4 in its successive replies and affidavits has been taking one or the other illogical, illegal and irrational pleas just to defeat the present petition in any manner whatsoever which cannot be given stamp of approval by this Court. The strenuous and herculean attempts made by the learned counsel for the respondent No.4, though are highly appreciable, but cannot validate and convert something illegal into something legal.

24. It is, therefore, held that the petitioner had the requisite qualification for the posts of Hospital Manager and Assistant Manager and rejection of his candidature was bad in law.

25. Therefore, while holding the cancellation of candidature to be illegal and bad in law, this Court issues the following directions:-

(i) The rejection of candidature of the petitioner for the post of Hospital Manager and Assistant Manager is held illegal and is quashed.

(ii) The appointment orders of the respondent Nos.6 to 8 are also quashed.

(iii) The respondent No.4 shall conduct fresh interviews after holding the petitioner qualified to be having requisite educational qualification.

(iv) After conducting fresh interview of the petitioner, a fresh merit list be prepared and the person, who is found eligible be given appointment.

(v) If the exercise in para (iii) and (iv) is completed within three months of this order, then the respondents No. 6 to 8 shall hold the post till conclusion of the process. If fresh appointments are not issued within three months, then they will cease to hold their posts immediately on expiry of aforesaid three months' period.

(vi) The then Dean and the Commissioner of Police, Bhopal shall also comply para-18 of this order within 90 days.

26. Petition is **allowed** and **disposed of**.

(VIVEK JAIN)
JUDGE

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