

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

**Civil Appeal No(s). 13229/2026
(arising out of SLP(C) No. 11670/2023)**

SECRETARY, DEPARTMENT OF HEALTH & ANR.

Appellant(s)

VERSUS

SUDHA BATTÀ & ORS.

Respondent(s)

WITH

**Civil Appeal No. 13230/2026
(arising out of SLP(C) D. No. 17960/2023)**

AND

**Civil Appeal No. 13231/2026
(arising out of SLP(C) No. 11668/2023)**

AND

**Civil Appeal Nos. 13232-13233/2026
(arising out of SLP(C) D. No. 21171/2023)**

O R D E R

- 1. Delay condoned.**
- 2. Leave granted.**
- 3. The seminal issue falling for consideration in this batch of appeals is whether the term degree mentioned in the Advertisement/Rules would mean, "Bachelor's Degree" only, or it would include, "Master's Degree" also vis-a-vis qualification for**

the post of Food Safety Officer.

4. An Advertisement was issued by the Himachal Pradesh Staff Selection Commission for filling up various posts, including 19 posts of Food Safety Officer, (in short, "FSO").

5. As per the Advertisement, the minimum qualification prescribed for the post of FSO was as under:

657 Food Safety Officer	i) A Degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Master's Degrees in Chemistry or Degree in Medicine from recognized University; or ii) Any other equivalent/recognized qualification notified by the Central Government; and iii) Has successfully completed training as specified by the Food Authority in a recognized institute or institution approved for the purpose. Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Food Safety Officer under this rule.
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6. The petitioners before the High Court, who are respondents herein, are having "Master's Degree" in Biotechnology/Microbiology. Their candidature was rejected on the ground that they did not have the "Bachelor's Degree" in Biotechnology/Microbiology, although, they had "Master's Degree" in Biotechnology/Microbiology. Learned Single Judge of the High Court dismissed their writ petition, against which writ appeals were preferred, which has now been allowed and the appellant, Himachal Pradesh Staff Selection Commission (Rajya Chayan Aayog) has been directed to consider the

cases of the writ petitioners for the post of FS0, and if they are, otherwise found to be eligible, and their names find place in the merit, then they be appointed to the post of FS0.

7. Learned counsel appearing for the appellants have argued to persuade us to take a stand that the respondents, having not obtained a "Bachelor's Degree" in the concerned subject, they would not be eligible to apply for the post.

8. However, in view of the law laid down by this Court, in Chandra Shekhar Singh and Others v. The State of Jharkhand and Others (CIVIL APPEAL NO(S). 10389 OF 2024, the issue no longer remains *res integra*. In *Chandra Shekhar Singh* (supra) this Court was dealing with the same post for which the Advertisement was issued in the State of Jharkhand. Having examined the provisions contained in Food Safety and Standards Act 2006, and the rules framed thereunder, particularly, Sections 37, 91 and 94 of the Act, and Rule 2.1.3 of the Food Safety and Standard Rules, 2011, (in short, "FSS Rules, 2011"), this Court held thus in paragraphs 27 to 32 which are reproduced hereunder:

"27. The Central Government, while exercising powers under Section 91 of the FSS Act notified the Food Safety and Standard Rules, 2011 wherein, the educational qualifications for the post of the FS0 have been provided as under:-

"2.1.3: Food Safety Officer

1. Qualification: Food Safety Officer shall be a whole time officer and shall, on the date on which he is so appointed possesses the following:

(i) a degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or

Bio-Chemistry or Microbiology or Master's Degree in Chemistry or degree in medicine from a recognized University, or

(ii) any other equivalent/recognized qualification notified by the Central Government, and

(iii) has successfully completed training as specified by the Food Authority in a recognized institute or Institution approved for the purpose.

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Food Safety Officer under this rule."

28. These very rules have been adopted by the State of Jharkhand *mutatis mutandis*. It is in this background, that we are required to adjudicate whether the term 'degree' as mentioned in the rules and the recruitment notification can be restricted to "Bachelor's degree" or whether the same would cover in its ambit, the "Master's degree" as well.

29. The term 'degree' is defined under Section 22(3) the UGC Act, which states that the 'degree' means the 'Bachelor's Degree', 'Master's Degree' and the 'Doctorate Degree'. Thus, wherever the word 'degree' is used, unless a specific exclusion is provided, the same would include within its scope and ambit all three, 'Bachelor's Degree', 'Master's Degree' and a 'Doctorate Degree'.

30. In the present case, the respondents have disqualified the appellants on account of the fact that they hold Master's degree in different subjects whereas, as per Clause 2.1.3 of the FSS 2011 Rules (supra) and the subject advertisement, the educational qualification of a master's degree is only recognized in "Chemistry" subject, whereas for all the other subjects, only a graduation degree would be the qualifying criterion.

31. We feel that there is no ambiguity whatsoever in the FSS 2011 Rules or the subject advertisement which can exclude the Master's degree in subjects referred to in the preceding part of the Rule 2.1.3 of the FSS 2011 Rules (supra), other than Chemistry, as being a valid qualification. The special reference to the Master's degree is given in the said Rule, only for those who have acquired their degree course in Chemistry subject, for whom, the minimum qualifying criterion will be a Master's degree in Chemistry. However, so far as the other subjects are

concerned, a person having any degree, be it graduation or post-graduation, would be equally qualified for the post in question.

32. Reading the language of the statutory provision in a literal sense and applying the golden rule of interpretation, this is the only logical and permissible interpretation. Hence, we have no hesitation in concluding that if a candidate, having undertaken a degree course in "Chemistry" subject, desires to apply for the post of FSO, he must possess a master's degree in that subject. However, if a candidate has taken college education in the subjects of food technology; dairy technology; biotechnology; oil technology; agricultural science; veterinary science; biochemistry or microbiology, then such a candidate would be qualified for the FSO post, if he holds any one of the degrees, i.e., either graduation, post-graduation or doctorate degree in any of these subjects. There is no logic or rationale behind excluding the candidates having master's or a doctorate degree in these subjects from staking a claim to the post of FSO because such an interpretation would be totally unjust, arbitrary and unconstitutional."

9. Having said so, this Court held in conclusion, in paragraph 34, that the appellants, therein, who possessed postgraduate degrees in subjects covered under Rule 2.1.3 of the FSS Rules, 2011, are qualified for the post of FSO. This Court, thereafter, passed the following operative order, as contained in paragraph 35 which are reproduced hereunder:

"35. Resultantly, the appeal is allowed in the following manner :-

i. The impugned judgments rendered by the Division Bench and the Single Bench, holding that the appellants were not qualified for the post of FSO, are quashed and set aside.

ii. The prayer made by the appellants to appear in the interview under the Advertisement No. 18 of 2023 dated 15th June, 2023 issued by JPSC, cannot be acceded to as they did not apply under this advertisement.

iii. In order to do complete justice, and in case

vacancies do not exist in the recruitment process 2016, then the respondents shall create supernumerary posts to accommodate the appellants who shall be allowed to partake in the recruitment process from the stage they were disqualified, i.e., from the interview stage. In case after undergoing interviews, the appellants succeed and are placed at par or higher in merit as compared to the last successful candidate in the particular category, they shall be offered appointment which shall be effective from the date of publication of the first select list in the recruitment process 2016. We further clarify that since the selected candidates were never impleaded and heard in the proceedings before the High Court or in this Court, appropriate direction has to be given to ensure that their seniority position is not disturbed at this belated stage. It is, therefore, provided that the successful candidates from amongst the appellants shall be placed below the last candidate selected and appointed in the subject selection process.

iv. It is further clarified that in case the appellants succeed and are offered appointment, they shall not be entitled to back wages. However, they shall be entitled to all service benefits on a notional basis."

10. In the present case also, the respondents are having "Master's Degree" in Biotechnology/Microbiology. Thus, their case is squarely covered by *Chandrasekhar Singh (supra)*.

11. In view of the above settled legal position, we affirm the order passed by the High Court and direct the appellant(s) and the State of Himachal Pradesh to appoint the respondents to the post of FSO subject to their otherwise being eligible and their name finding place in the merit. It is made clear, we have not interfered with the appointment already made pursuant to the subject selection process and that the seniority of the respondents shall be reckoned just below the candidates who are already appointed.

12. With the above observations, these appeals are accordingly, disposed of.

13. Pending application(s), if any, shall also stand disposed of.

.....J.

(PRASHANT KUMAR MISHRA)

.....J.

(SHREE CHANDRASHEKHAR)

New Delhi;
29.09.2026

ITEM NO.16

COURT NO.11

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 11670/2023

SECRETARY, DEPARTMENT OF HEALTH & ANR.

Appellant(s)

VERSUS

SUDHA BATTA & ORS.

Respondent(s)

IA No. 162997/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

D No. 17960/2023 (XIV-A)

IA No. 102695/2023 - CONDONATION OF DELAY IN FILING

SLP(C) No. 11668/2023 (XIV-A)

D No. 21171/2023(XIV-A)

IA No. 106872/2023 - CONDONATION OF DELAY IN FILING

Date : 29-09-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Appellant(s) : Mr. P.S. Patwalia, Sr. Adv.

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Mr. Priyanshu Kumar, Adv.

Mr. Baldev Singh, Adv.

Mr. Divyansh Thakur, Adv.

Mr. Rajeev Kumar Gupta, Adv.

Mr. Roopesh Singh Bhadauria, Adv.

Ms. Anya Singh, Adv.

Mr. Bimlesh Kumar Singh, AOR

Mr. Kiran Verma, Adv.

Ms. Kiran Verma, Adv.

Mr. Akash Sajan Sapelkar, Adv.

Mr. Joginder Mann, Adv.

Mr. Mayank Mann, Adv.

For Respondent(s) :Mr. Amit Verma- 3350 , AOR
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Mr. Roopesh Singh Bhadauria, Adv.
Ms. Anya Singh, Adv.
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Mr. Mayank Mann, Adv.
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Mr. J.S.Attri, Sr. Adv.
Mr. Chandra Nand Jha, Adv.
Mr. Kumar Ranjan, Adv.
Mr. Rameshwar Prasad Goyal- 1350, AOR
Mr. Utkarsh Singh, Adv.
Mr. Swayamprabh Mishra, Adv.
Mr. Thakur Nishant Kumar, Adv.
Mr. Prem Sagar, Adv.
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Ms. Himanshi Bagre, Adv.
Mr. Rajender Kumar, Adv.

Mr. Sarvam Ritam Khare- 2110, AOR
Mr. Kushagra Sharma, Adv.
Mr. Saransh Maheshwari, Adv.

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

1. Delay condoned.
2. Leave granted.
3. These appeals stand disposed of in terms of the signed order which is placed on file.

4. Pending application(s), if any, shall also stand disposed of.

(RAHUL KUMAR – II)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)