HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 790/2024

1. Kuldeep Singh Choudhary S/o Ranjeet Singh Choudhary, Aged About 28 Years, R/o Jato Ka Mohalla Vpo Arain, Teh. Arain, Distt. Ajmer, Rajasthan.
2. Mehtab Singh S/o Sawai Singh, Aged About 30 Years, R/o Shobh Singh Ki Dhani, P.o. Rajgarh, Dist. Jaisalmer, Rajasthan.
3. Rajendra Budhaniya S/o Ram Chandra, Aged About 35 Years, R/o Kalru, Distt. Nagaur, Rajasthan.
4. Chandra D/o Arjun Ram, Aged About 24 Years, R/o Bhari Nagar, Dhanarikallan, Teh. Barori, Distt. Jodhpur, Rajasthan.
5. Ankit Kumar Ghosalya S/o Babulal Jat, Aged About 24 Years, R/o Ward No. 9, Baldaki Dhani, Shyosinghpura, Jaipur, Rajasthan.
6. Ashok Kumar Saini S/o Kalyan Sahay Saini, Aged About 25 Years, R/o 90 Manu Vihar, Keshav Vidhyapith Ke Pass, Jamdoli, Jaipur, Rajasthan.
7. Archana Rathore D/o Rajendra Singh, Aged About 29 Years, R/o Jat Mohalla, Ramner, Dhani, Ajmer, Rajasthan.
8. Sadhna Jangid D/o Rajendra Prasad, Aged About 26 Years, R/o Ward No . 17, Panchbatli Ke Pass, Udaipurwati, Jhunjhunu, Rajasthan.
9. Sunita Choudhary D/o Richhpal Choudhary, Aged About 30 Years, R/o Bhavriyo Ki Dhani, Bagawas, Jaipur, Rajasthan.
10. Priyanka Devi, Aged About 24 Years, R/o Ghatela Ki Dhani, Dangawas, Nagaur, Rajasthan.
11. Nitya Sharma D/o Pawan Kumar Sharma, Aged About 24 Years, R/o Ward No. 12, Opposite Post Office, Padampur, Distt. Sriganganagar, Rajasthan.
12. Maneesha D/o Ramavatar Rawat, Aged About 26 Years, R/o Vill. Mardha, Kotputli, Jaipur, Rajasthan.
13. Deendayal Saini S/o Sanwar Mal Saini, Aged About 25 Years, R/o Near Rajput Girls Hostel, Ward No. 19, Taranagar, Churu, Rajasthan.
14. Vikas Rajana S/o Dashrath Singh, Aged About 28 Years,

R/o Maithna, Alwar, Rajasthan.

15. Kuldeep Choudhary S/o Ramshay Choudhary, Aged About 22 Years, R/o Khatiyo Ka Mohalla, Chauru, Jaipur, Rajasthan.

16. Ajay Yadav S/o Gheesha Ram Yadav, Aged About 28 Years, R/o Ward No. 04, Viratnagar, Teori, Jaipur, Rajasthan.

17. Nitesh Panwar S/o Ranglal Panwar, Aged About 28 Years, R/o 45 K, Sanjay Colony A, Gali N. 1, Pratapnagar, Jodhpur, Rajasthan.

18. Amar Singh Bairwa S/o Ganga Sahay Bairwa, Aged About 31 Years, R/o Matosoola, Karauli, Rajasthan.

19. Tarun Kumar S/o Vishnu Dutt, Aged About 27 Years, R/o Ward No 6, Near Airtel Tower, Vijay Nagar, Sri Ganganagar, Rajasthan.

20. Priyanshi Yadav D/o Ram Kumar Yadav, Aged About 24 Years, R/o Dhani Gram Sevak Ki, Nareda, Rajasthan.

21. Vikas Meena S/o Shankar Lal Meena, Aged About 26 Years, R/o Ward No. 9, Kheejan Khera, Dhikia, Pratapgarh, Rajasthan.

----Appellants

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

2. State Of Rajasthan, Medical And Health Department, Through Its Principal Secretary, Jaipur, Rajasthan.

3. Girdharee Ram S/o Shri Kesha Ram, Aged About 52 Years, Resident Of Bhana Magar, Village And Post Dandli, District Barmer (Raj.).

4. Kishan Ram Karwasara S/o Shri Ramu Ram, Aged About 34 Years, Resident Of Village Mathania, District Jodhpur (Raj.).

5. Suersh Chandra Sharma S/o Shri Madan Lal Sharma, Aged About 37 Years, Resident Of 2A, Section 7 Extension, New Power House Road, Jodhpur (Raj.).

6. Narayan Singh S/o Shri Vijay Singh, Aged About 36 Years, Resident Of Shiv Mandir, Ratanada, Jodhpur (Raj.).

7. Rajnish Sharma S/o Shri Radheshyam Sharma, Aged

About 43 Years, Resident Of 143, Balaji Nagar, Pal Road, Jodhpur (Raj.).

----Respondents

Connected With

D.B. Spl. Appl. Writ No. 1048/2023

1. Sakshi Jain D/o Pramod Kumar Jain, Aged About 27 Years, R/o 62/110, Heera Path, Mansarovar, Jaipur, Rajasthan.
2. Babu Lal Janwa S/o Ram Narayan Janwa, Aged About 27 Years, R/o Vill. Bambori, Tehsil Chhotisadri, Pratapgarh, Rajasthan.
3. Krishna Bairagi D/o Gopal Das Bairagi, Aged About 30 Years, R/o Ward 5 Panmodi, Pratapgarh, Rajasthan.
4. Raj Singh Chauhan S/o Hanuman Singh, Aged About 33 Years, R/o Vrindavan Colony, Behror, Alwar, Rajasthan
5. Bhojraj S/o Ramsharan Kasana, Aged About 28 Years, R/o Vpo Kalyanpura Khurd, Teh Kotputli, Jaipur, Rajasthan.

----Appellants

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Ajmer.
2. State Of Rajasthan, Medical And Health Department, Through Its Principal Secretary, Jaipur, Rajasthan.
3. Girdharee Ram S/o Shri Kesha Ram, Aged About 52 Years, Resident Of Bhana Magar, Village And Post Dandli, District Barmer (Raj.).
4. Kishan Ram Karwasara S/o Shri Ramu Ram, Aged About 34 Years, Resident Of Village Mathania, District Jodhpur (Raj.).
5. Suresh Chandra Sharma S/o Shri Madan Lal Sharma, Aged About 37 Years, Resident Of 2A, Section 7 Extension, Near Power House Road, Jodhpur (Raj).
6. Narayan Singh S/o Shri Vijay Singh, Aged About 36 Years, Resident Of Shiv Mandir, Ratanada, Jodhpur (Raj.).
7. Rajnish Sharma S/o Shri Radheshyam Sharma, Aged About 43 Years, Resident Of 143, Balaji Nagar, Pal Road, Jodhpur (Raj.).

----Respondents

D.B. Spl. Appl. Writ No. 1061/2025

1. Prem Chand Sharma S/o Shri Suraj Mal Sharma, Aged About 48 Years, R/o A-9A, Sahkar Nagar, Jhotwara, Sirsi, Jaipur, Rajasthan. Presently Posted As Food Safety Officer, Rajsamand.
2. Jagdish Prasad Saini S/o Shri Roor Mal, Aged About 38 Years, R/o Vijay Singh Pura, Basa Te Chomu, Kushalpura, Jaipur, Rajasthan. Presently Posted As Food Safety Officer, Bikaner.

----Appellants

Versus

1. State Of Rajasthan, Medical And Health Department, Through Its Principal Secretary, Jaipur Rajasthan.
2. The Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

----Respondents

For Appellant(s) : Mr. Rajesh Joshi, Sr. Advocate with Mr. Rajat Arora & Mr. Lucky Rajpurohit.

For Respondent(s) : Mr. Rajendra Prasad, Advocate General with Mr. Anirudh Singh Shekhawat.
Mr. Vikas Balia, Sr. Advocate with Mr. Madhav Vyas & Mr. Devi Singh Rathore.
Mr. N.S. Rajpurohit, AAG with Ms. Aditi Sharma.
Mr. Mahesh Thanvi

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE ANUROOP SINGHI

Judgment

RESERVED ON : 15/10/2025

DATE OF PRONOUNCEMENT : 20/11/2025

Reportable

BY THE COURT : (PER HON'BLE MR. JUSTICE ANUROOP SINGHI, J.)

1. These three Special Appeals take exception to the below mentioned judgment and order passed by learned Single Judge(s) :-

S. NO.	TITLE AND CASE NO.	TITLE AND CASE NO.	IMPUGNED JUDGMENT DATED
1.	Kuldeep Chaudhary & Ors.v. RPSC & Ors.; D.B. SAW No.790/2024	Girdharee Ram & Ors. v. RPSC & Anr.; S.B CWP No. 7650/2023	06.11.2023
2.	Sakshi Jain & Ors. v. RPSC & Ors; D.B. SAW No.1048/2023	-do-	06.11.2023
3.	Prem Chand Sharma & Anr. v. State of Rajasthan & Anr. D.B. SAW No.1061/2025	Prem Chand Sharma & Anr. v. State of Rajasthan & Anr. ; S.B. CWP No. 13370/2025	24.07.2025

Considering the commonality of the issues and the identicalness of impeachments, with the consent of Learned Counsel for the parties, arguments were advanced in an analogous hearing and the present adjudication would answer the surging debate. Also as the facts involved in the three appeals had fringe variations, the facts arising out of D.B. Civil Special Appeal (Writ) No.790/2024 are being taken as lead case.

2. Vide Judgment dated 06.11.2023, the Learned Single Judge has quashed the "Note" appended to the advertisement dated 21.10.2022 with liberty to the State Authorities to conduct the recruitment for the post of Food Safety Officer (hereinafter referred to as "**FSO**") strictly in accordance with the Food Safety

and Standards Rules of 2011 (hereinafter referred to as "**the Rules of 2011**") and with the direction that the condition of possessing the essential qualification including training at the requisite date shall be adhered to.

3. The appellants in D.B. Civil Special Appeal (Writ) Nos.790/2024 and 1048/2023 are the candidates who claim to have been selected after participating in the selection process but were not impleaded as respondents in the writ petition and hence, have preferred the present appeals along with applications seeking leave to appeal which were allowed.

4. D.B. Civil Special Appeal (Writ) No.1061/2025 has been preferred by the appellants/writ petitioners being aggrieved by the impugned order dated 24.07.2025 passed in S.B. Civil Writ Petition No.13770/2025, whereby the learned Single Judge has dismissed the stay application. In the said writ petition, challenge was laid to the "Note" as appended to the clause providing the required qualification in the earlier advertisement dated 05.08.2019 only to take the benefit of the judgment dated 06.11.2023, however, on the sole count of delay and laches, the interim relief was declined and thus, being aggrieved by the rejection of stay application, the present appeal has been filed.

FACTS IN BRIEF :

5.1. An advertisement dated 21.10.2022 was issued by Rajasthan Public Service Commission (**RPSC**) inviting online applications for 200 posts of FSO on the requisition of the respondent State. As per the scheme of recruitment/selection

process, the final merit list of the successful candidates was to be prepared on the basis of the marks obtained in the written examination which was held on 27.06.2023 and thereafter, the RPSC was required to send recommendation of successful candidates to the respondent State for their appointment in terms of the provisions of the Food Safety and Standards Act, 2006 (hereinafter referred to as "**the Act of 2006**"). The relevant qualification clause as mentioned in the advertisement dated 21.10.2022 reads as under :-

> *"QUALIFICATION: (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 any other equivalent/recognized qualification notified by the Central Government; and*
>
> *(ii) has successfully completed training as specified by the Food Authority in a recognized institute or institution approved for the purpose.*
>
> ***(Note: There is no requirement for training prior to selection. This training shall be provided to the selected candidates during probation period.)"***

5.2. The aforesaid "Note" appended to the qualification clause became the subject matter of challenge in the writ petition, wherein it was contended by the writ petitioners that relaxing the training criteria and allowing the training to be undertaken during the probation period was in contravention of Rule 2.1.3 of the Rules of 2011.

5.3. It is a matter of record that during the pendency of the writ petition, the appellants participated in the recruitment process and appeared in the written examination held on 27.06.2023.

5.4. The impugned judgment was passed on 06.11.2023 after which, the respondent authority vide its communication dated 26.12.2023 required the RPSC to select the candidates and forward the list enabling it to impart required training so that the appointments can be done. In pursuance of the said directions, a provisional list of selected candidates was sent by the RPSC on 20.02.2024 and thereafter the final list of successful candidates was issued on 10.06.2024 which was forwarded by RPSC to Commissioner of Food Safety and Drug Control vide communication dated 20.06.2024.

5.5. It is in these circumstances that the present appellants being successful candidates in the recruitment process preferred the present appeal assailing the judgment dated 06.11.2023 along with an application seeking leave to appeal. Leave was granted on 21.08.2024 and further vide order dated 28.08.2024, this Court directed not to finalise the process of selection and to maintain status quo by all the parties.

SUBMISSION ON BEHALF OF APPELLANTS :

[IN D.B. Civil Special Appeal (Writ) Nos.790/2024 and 1048/2023]

6.1. Sh. Rajesh Joshi Learned Senior Counsel along with Mr. Rajat Arora representing the selected candidates – Appellants submitted that the impugned order is not at all sustainable as the

qualification mentioned in the advertisement dated 21.10.2022 is very much in accordance with the provisions of Section 37 of the Act of 2006 read with Rule 2.1.3 of the Rules of 2011 and thus, there was no occasion for any interference, much less to quash the note appended to the advertisement.

6.2. Learned Senior Counsel submitted that the writ petition was filed without impleading, both the Food Safety and Standards Authority of India (hereinafter referred to as "**FSSAI**") which is the apex regulatory and statutory body under the Act of 2006 and the authority empowered to impart training, as well as, the present appellants who are necessary parties and thus, solely on the ground of non-joinder of necessary and proper parties, the writ petition ought to have been dismissed.

6.3. Learned Senior Counsel further submitted that FSSAI vide its clarification dated 03.10.2018 has duly clarified that the education qualifications mentioned in Rule 2.1.3.1(i) and (ii) of the Rules of 2011 are mandatory for recruitment of FSO, however successful completion of training as specified in Rule 2.1.3.1(iii) of the Rules of 2011 is mandatory before notifying such selected officers as FSO. The said clarification further mentions that FSSAI has developed a training module for FSO which provides for induction training and even the list of empanelled training institutions for imparting such training to FSOs at the expenditure of FSSAI has been duly shared with State/Union Territories. In furtherance to the same, it was submitted that the training as required under the Rules is in the nature of induction training and can be imparted only in terms of the training manual and that too,

at the expense of the Government and is not a training which is otherwise available to any private individual.

6.4. Learned Senior Counsel further submitted that by quashing the note appended to the qualification clause in the advertisement, the learned Single Judge has failed to consider the difference between "appointment" and "selection" and has virtually ousted the appellants from the selection process. Learned Senior Counsel further submitted that the interpretation as taken by the learned Single Judge will lead to a precarious situation wherein no appointment on the post of FSO will ever take place which can never be the intent of the Legislature and thus, the findings as recorded by the learned Single Judge deserves to be set aside.

6.5. Learned Senior Counsel finally submitted that the writ petitioners having participated in the selection process on the basis of the advertisement dated 21.10.2022, now cannot assail the very validity of the advertisement and being estopped, the writ petition itself ought to have been dismissed. Thus, it was prayed that the impugned judgment dated 06.11.2023 be set aside.

SUBMISSIONS ON BEHALF OF RESPONDENT STATE :

7.1. Mr. Rajendra Prasad, learned Senior Advocate and Advocate General assisted by Mr. Anirudh Singh Shekhawat supported the stand of the appellants to advance the contention that the selection process was rightly carried out and there was no occasion for the learned Single Judge to interfere in the process.

7.2. Learned Advocate General submitted that before the

Act of 2006, Prevention of Food Adulteration Act 1954 (hereinafter referred to as "**the Act of 1954**") and Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as "**the Rules of 1955**") held the field and provided for appointment of Food Inspectors and their qualifications. Accordingly, Rajasthan Medical and Health Subordinate Service Rules, 1965 (hereinafter referred to as "**the Rules of 1965**") provided for the post of Food Inspectors and prescribed qualifications in accordance with the provisions of the Act of 1954 and the Rules of 1955. The Act of 2006 replaced Food Inspectors by FSOs and while Section 37 of Act of 2006 provides for appointment of FSO, Rules of 2011 provides for the required qualification of FSO.

7.3. It was contended that Section 37 specifically provided that the appointment of FSO would be made by Commissioner of Food Safety by issuing a notification in this regard of persons having the qualifications prescribed by the Central Government. Furthermore, as Section 91(1)(b) of the Act of 2006 empowers the Central Government to make Rules as to the qualifications of FSO, Rule 2.1.3 of Rules of 2011 prescribed the said qualification which specifically mentions that FSO shall be a whole time officer and shall on the date on which he is so appointed, possess the requisite qualifications. Thus, the Legislature was very specific that the qualifications so required should be on the date on which the notification of appointment is to be issued and not any date earlier.

7.4. Learned Advocate General further submitted that the Rules of 1965 were amended in the year 2018 to provide for

appointment of FSOs in place of Food Inspectors and to prescribe the qualifications thereof, which are exactly the same as provided in Rule 2.1.3 of the Rules of 2011. Thus, the said amendment made in the Rules of 1965 has to be considered along with the provisions of the Act of 2006 and the Rules of 2011.

7.5. Learned Advocate General specifically submitted that the training mentioned in Rule 2.1.3 of the Rules of 2011 is the training specified by FSSAI and the Food Authority has been defined in Section 3(1)(m) of the Act of 2006 as per which, Food Authority means an authority established under Section 4 of the Act of 2006. The said very Food Authority approved the training policy on 26.05.2023 and based on which, 'Food Safety Training Manual' was framed for training of FSO. In furtherance to the said submission, it was argued that the training as mentioned in Rule 2.1.3 of the Rules of 2011 refers to an induction training as provided in clauses 8 and 9 of the Training Manual and thus, the interpretation to the word 'training' as given by the Learned Single Judge lies in teeth with the intent of the Act of 2006 read with Rules of 2011 and consequently, the impugned judgment deserves to be set aside.

SUBMISSIONS ON BEHALF OF PRIVATE RESPONDENTS

[IN D.B. Civil Special Appeal (Writ) Nos.790/2024 and 1048/2023] and

APPELLANTS

[IN D.B. Civil Special Appeal (Writ) No.1061/2025]

8.1. *E-Converso*, learned Senior Counsel Mr. Vikas Balia assisted by Mr.Madhav Vyas and Mr.Devi Singh Rathore appearing

on behalf of the Writ petitioners-respondents submitted that the entire exercise of the selection process undertaken by the respondent authorities is in violation of the specific rules and thus, no interference is called for in the judgment passed by the learned Single Judge.

8.2. Learned Senior Counsel further submitted that the note appended to qualifications in the advertisement by no stretch of imagination can dilute or alter the qualifications as stipulated in the Rules and thus, on the face of it, the said note is palpably erroneous as an eligibility criteria cannot be done away with by appending a note to the qualification. It is further submitted that once the qualification is two fold and provides for education qualification along with training in a mandatory form, it was not open for the respondents to relax the same as the procedure of recruitment is governed by the Rules of 1965 and relaxation is permissible only in the manner and extent provided in Rules 11 and 19 of the Rules of 1965. It was further submitted that even as per the amendment made to the Rules in the year 2018, no such provision has been added that the training is not an eligibility criteria for selection. Rather, the amended recruitment Rules provide that a candidate for being recruited must be possessed of the eligibility criteria which not only means the educational qualification, but also successful completion of training.

8.3. It was also submitted by the Learned Senior Counsel that the training is very much available in the open market and the stand as taken by the state that training is not available in the

open market and can be given only to the officers after being selected, is incorrect.

8.4. Learned Senior Counsel further submitted that FSSAI has no authority to issue any clarification which runs contrary to the Rules and the communication, such as the clarification dated 03.10.2018, cannot override the statutory provisions.

8.5. Learned senior counsel further submitted that the Rules of 1965 (as amended in 2018) is the governing law for the present recruitment process and the said Rules nowhere provides any power to relax the qualification. Accordingly, it was prayed that the appeal be dismissed.

ISSUE IN CONTROVERSY

9. The contentious pleadings and the assiduous submissions founded thereon have been duly assayed.

10. The dissension centers around as to what, in terms of Section 37 of the Act of 2006 read with Rule 2.1.3 of Rules of 2011, is the requisite qualification and the prescribed procedure for selection and appointment of FSOs and what is meant by appointment of FSOs by notification and possessing the qualification on the date on which they are so appointed.

DISCUSSION AND ANALYSIS

11. Before venturing into the thick of the issue involved, it would be justifiable to clear the deck qua the peripheral issues regarding non-impleadment of necessary parties and estoppel. It

being a matter of record that the writ petition came to be decided on 06.11.2023 and the final list of successful candidates was declared only on 10.06.2024, which is the date after the passing of the impugned judgment by the learned Single Judge, the said objection of non-impleadment of appellants lacks merit and deserves to be rejected. However, in all fairness FSSAI, being the statutory body with respect to FSO, ought to have been joined as respondent in the Writ Petition.

12. Further, on the issue of estoppel, it is worth noting that not only the private respondents/writ petitioners filled and submitted their forms in pursuance to the advertisement dated 21.10.2022, but even underwent the training as provided by FSSAI and only after successful completion of the same, their appointments were notified as FSOs. Thus, having enjoyed the fruits of the very same procedure for their own appointment by notification, it was not open for them to assail the very same process.

13. As the radix of contentious debate is patently traceable to the various provisions of law, it would be apposite to refer and reproduce the following relevant provisions:-

A. RELEVANT SECTIONS OF THE FOOD SAFETY AND STANDARDS ACT 2006

3(1)(m) *—**Food Authority** means the Food Safety and Standards Authority of India established under section 4;*

3(1)(t) *—**Food Safety Officer** means an officer appointed under Section 37 ;*

4. Establishment of Food Safety and Standards Authority of India.– *(1) The Central Government shall, by notification, establish a body to be known as the Food Safety and Standards Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.*

(2) The Food Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the Food Authority shall be at Delhi.

(4) The Food Authority may establish its offices at any other place in India.

37. Food Safety Officer.–*(1) The Commissioner of Food Safety shall,* ***by notification, appoint*** *such persons as he thinks fit, having the qualifications prescribed by the Central Government, as Food Safety Officers for such local areas as he may assign to them for the purpose of performing functions under this Act and the rules and regulations made thereunder.*

(2) The State Government may authorise any officer of the State Government having the qualifications prescribed under sub-section (1) to perform the functions of a Food Safety Officer within a specified jurisdiction.

91. Power of Central Government to make rules.– *(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.*

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:–

(a) salary, terms and conditions of service of Chairperson and Members other than ex officio Members under sub-section (2) and the manner of subscribing to an oath of office and secrecy under sub-section (3) of section 7;

(b) ***qualifications of Food Safety Officer under sub-section (1) of section 37****;*

B. RELEVANT RULES OF THE FOOD SAFETY AND STANDARDS RULES, 2011

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 Masters 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.

2. On the date of commencement of these rules, a person who has already been appointed as a Food Inspector under the provisions of Prevention of Food Adulteration Act, 1954, may perform the duties of the Food Safety Officer if notified by the State/Central Government if the officer fulfils such other conditions as may be prescribed for the post of Food Safety Officer by the State Government.

3. State Government may, in cases where a Medical Officer of health administration of local area has been performing the function of food Inspector under the Prevention of Food Adulteration Act, 1954, assign the powers and duties of Food Safety Officer to such Medical Officer-in-charge of health administration of that area:

Provided further that the persons appointed under clauses 2 and 3 above. shall undergo a specialized training laid down by the Food Authority within a period of five years from the commencement of these rules.

C. RELEVANT CLAUSES OF FOOD SAFETY TRAINING MANUAL :

"Preamble : 1. The Food Safety and Standards Act, 2006 envisages ensuring availability of safe and wholesome food in the country. It also puts in place a well-defined regulatory framework to ensure compliance to the Act and Rules and Regulations made thereunder. A well trained and qualified regulatory workforce is essential for uniform and consistent application of the Act across the country. ***The Food Safety and Standard Rules, 2011 also provide for training of Designated Officers and Food Safety Officers by FSSAI.***

2. ***In 2016, Food Safety & Standard Authority of India designed a Training Policy for Food Safety Regulatory Officials. The Training policy provided for Induction as well as refresher training to regulatory officers.*** *It also envisaged developing a pool of Trainers and for this purpose provided for Training of Trainers programme.* ***The Training Policy was considered by the Central Advisory Committee in its 17th meeting and subsequently approved by Food Authority in the 21st Authority Meeting held on 26 May, 2016.***

3. ***Based on the Training Policy, a Food Safety Training Manual was framed for training of regulatory officers.*** *FSSAI has since been conducting training in States/UTs accordingly. On the basis of lessons learnt and developments taking place in the food domain, this training Manual has been revised so as to keep pace with the developments and need for effective capacity building of regulatory officers. This revised Food Safety Training Manual streamlines the ToT programmes and lends more flexibility and content to regulatory training. In the Induction training, the subjects covered in the Manual for Food Safety Officers have also been mapped.*

4. ***Food Safety Officer (FSO) – As per Section 37 of the FSS Act, 2006, FSOs will be appointed by the Commissioner of Food Safety by notification. Further, as per Rule 2.1.3 of FSS Rules, 2011, the FSO will successfully complete the training as specified by the Food Authority in a recognized institute or institution approved for the purpose****. FSOs are the representatives of the Food Authority at the ground level and interact directly with the FBOs and thus are back bone of the entire food safety compliance structure. They are vested with regulatory powers and functions to ensure regulatory compliance thereby ensuring food safety and are required to carry out various enforcement and surveillance activities. In order to discharge their duties and functions under the FSS Act, Rules and Regulations, they have to have good knowledge and understanding of the regulatory provisions like inspection procedure, sampling, provisions related to licensing and registration, packaging and labelling, standards and so on.* ***Considering the importance of role of FSO, the training has been designed in an integrated manner. It is proposed to have three types of training for the FSOs viz (a) Induction Training, (b) Refresher Training and (c) special/need based training****. FSOs will learn about the Concepts of Food Safety, new provisions of the Act and Rules, Standards and new approaches to monitoring the Food Safety and have practical experience of ground level working.*

8. ***Clause 2.1.2 and 2.1.3 of Chapter 2 of the Food Safety Standards Rules, 2011 provides for training of DOs and FSOs. Accordingly, there will the following training framework for them:***

(a) Induction Training;

(b) Refresher Training; and

(c) Special/need based training.

9. ***Induction Training for FSOs***

The Induction Training will be given to the FSOs who are newly recruited/appointed or are new to the service*. Induction Training will for a period of 40 (working) days. It will be in-depth,*

comprehensive and will have the following components (curriculum of the training is attached at Annex 'A'):

(i) ***Classroom training –*** *Classroom training will be for 14 days and will be conducted at the institutes empanelled by FSSAI across all the States/UTs or at any other venue mutually agreed by FSSAI and State/ UT Government.*

(ii) ***On the job training*** *– On the job training will be for 26 days. It has been divided in six parts and in each part the training, FSOs will be attached with various offices viz DOs, FBOs, Laboratories etc and will get firsthand experience and will be able to correlate the classroom learning's with the on the job working.*

(iii) Assessment – At the end Induction Training, an assessment will be conducted. The assessment will be in two parts as under:-

S.No.	Description of Test	Qualifying marks
(a)	Written test of 90 minutes with 100 multiple choice questions at the end of classroom session. The question bank will be provided by FSSAI.	60%
(b)	Each FSO will be attached to a DO who will be the guide during "on the job training". FSO will submit the report to the DO who will examine and evaluate the report out of 100 marks.	60%

15. ***Training institute*** *– FSSAI has empanelled 20 institutes across the country for conducting training. The list of the empanelled institutes at attached at Annexe 'G'. In addition to the training institutes, training may be conducted at places with adequate training facilities as may be decided by FSSAI."*

D. RELEVANT RULES OF RAJASTHAN MEDICAL AND HEALTH SUBORDINATE SERVICE RULES, 1965 (AS AMENDED IN 2018):

*"**11. Academic and Technical qualification and experience.**- A candidate for direct recruitment to a post enumerated in the Schedule shall possess:-*

(i) the qualifications given in column 4 of the Schedule in addition to such experience as is required therein;

(ii) Working knowledge of Hindi written in Devnagri Script and knowledge of Rajasthan culture.

Provided that the person who has appeared or is appearing in the final year examination of the course which is the requisite educational qualification for the post as mentioned in the rules or schedule for direct recruitment, shall be eligible to apply for the post but he/she shall have to submit proof of having acquired the requisite educational qualification to the appropriate selection agency:-

(i) before appearing in the main examination, where selection is made through two stages of written examination and interview;

(ii) before appearing in interview where selection is made through written examination and interview;

(iii) before appearing in the written examination or interview where selection is made through only written examination or only interview, as the case may be.

Column No.4 of Schedule-I of the Rules of 1965

(i) A degree in Food Technology or Dairy technology or Biotechnology or Oil Technology or Agriculture Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Master's Degree in Chemistry or Degree in Medicine from a recognized University, OR any other equivalent/recognized qualification notified by the Central Government; and (ii) 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 these rules."

14.1. A bare perusal of Section 37 of the Act of 2006 reveals that the appointment on the post of FSO would be made by the Commissioner of Food Safety by issuance of notification in this regard. A plain and literal reading and understanding of the said Section conveys that it is the date of notification which would be the date of appointment of FSOs. As a matter of fact, no interpretation is required to arrive at the said finding as the Statute has specifically incorporated the words "by notification, appoint such persons as he thinks fit", and thus, the word "by notification" cannot be ignored. Further, Rule 2.1.3 of the Rules of 2011 while prescribing the qualification specifically provides for the words "on the date on which he is so appointed". Thus, the word "so appointed" would necessarily mean the appointment by way of notification and consequently, the possession of qualification, both educational and successful completion of training has to be seen on the date of the notification issued for the appointment of FSO under Section 37 of Act of 2006. Further Rule 2.1.3.1(iii) of the Rules of 2011 refers to the training which is provided by Food Authority in a recognized institute or institution approved for the purpose. Thus, the training as mentioned therein cannot be any training other than the training as specified by the Food Authority and that too in a recognised institute or institution approved for the purpose.

14.2. It is a settled proposition of law that from the words of law, there should be no departure and the Courts should go by *litera legis* i.e. the letter of legislation. The maxim *absoluta sententia expositore non indigent* means the plain words need no

explanation and thus, if the language of the Statute is clear and unambiguous, the Court must give effect to it and has no right to ignore or extend its operation solely to advent into the arena of interpretation.

14.3. The Hon'ble Supreme Court in the case of ***Nagarajan v. State of T.N.; (2025) 7 SCC 479*** observed that:

> *"43. A canonical rule of statutory interpretation i.e. the rule of literal construction, is that the words of a statute should be read as it is and should be understood in their natural and ordinary sense. A reference to the rule of beneficial construction of a statute or any other rule of statutory interpretation may be resorted to only if the literal rule fails to provide suitable guidance or results in absurdity."*

Further, in ***Vidarbha Industries Power Ltd. v. Axis Bank Ltd.; (2022) 8 SCC 352,*** the Hon'ble Supreme Court observed that:

> *"65. It is well settled that the first and foremost principle of interpretation of a statute is the rule of literal interpretation, as held by this Court in Lalita Kumari v. State of U.P. [Lalita Kumari v. State of U.P., (2014) 2 SCC 1] ..... .*
>
> *66. In Hiralal Rattanlal v. State of U.P. [Hiralal Rattanlal v. State of U.P., (1973) 1 SCC 216]*
>
> > *"22. … In construing a statutory provision, the first and the foremost rule of construction is the literary construction. All that we have to see at the very outset is what does that provision say? If the provision is unambiguous and if from that provision, the legislative intent is clear, we need not call into aid the other rules of construction of statutes. The other rules of construction of statutes are called into aid only when the legislative intention is not clear.""*

Thus, the duty of the Court of law is to simply take the statute as it stands as it is a well-settled principle of interpretation

that the Court must proceed on the assumption that the legislature did not make a mistake and that it did what it intended to do.

14.4. It is also a settled position of law that no word in the Statute can be ignored and every word has to be assigned a meaning as has been settled in catena of cases. The Hon'ble Supreme Court in **Nathi Devi v. Radha Devi Gupta ; (2005) 2 SCC 271** observed as under :-

> *"14. It is equally well settled that in interpreting a statute, effort should be made to give effect to each and every word used by the legislature. The courts always presume that the legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have effect. A construction which attributes redundancy to the legislature will not be accepted except for compelling reasons such as obvious drafting errors. (See State of U.P. v. Dr. Vijay Anand Maharaj [AIR 1963 SC 946 : (1963) 1 SCR 1] , Rananjaya Singh v. Baijnath Singh [AIR 1954 SC 749 : (1955) 1 SCR 671] , Kanai Lal Sur v. Paramnidhi Sadhukhan [AIR 1957 SC 907 : 1958 SCR 360] , Nyadar Singh v. Union of India [(1988) 4 SCC 170 : 1988 SCC (L&S) 934 : (1988) 8 ATC 226 : AIR 1988 SC 1979] , J.K. Cotton Spg. and Wvg. Mills Co. Ltd. v. State of U.P. [AIR 1961 SC 1170] and Ghanshyamdas v. CST [AIR 1964 SC 766 : (1964) 4 SCR 436] .)"*

14.5. The Food Safety training manual in its Preamble so also, in clauses 4, 8, 9 and 15 specifically refers to Section 37 of the Act of 2006 and Rule 2.1.3 of Rules of 2011 and provides for the manner and nature of training to be imparted to FSOs. A bare perusal of the Preamble of the training manual reveals that the training policy was designed by FSSAI for Food Safety Regulatory Officials to be imparted at the stage of induction and also for

refreshing and special needs purposes. The training policy was approved by Food Authority on 26.05.2016 and based on the same, the Food Safety Training Manual was framed for training of Regulatory officers and since then, FSSAI is conducting training in State/Union Territories. Clause 4 of training manual while referring to Section 37 of the Act of 2006 and Rule 2.1.3 of Rules of 2011 specifically provides that the training is designed in three types:-

a) Induction Training ;
b) Refresher Training ; and
c) Special Need based Training

and as per clauses 8 and 9, the induction training is imparted to the FSOs who are newly recruited/appointed or are new to the service. Thus, by a conjoint reading of the above provisions and clauses, the only and solitary conclusion which can be arrived is that the training as referred in Rule 2.1.3 is the induction training as given to the FSOs in terms of clauses 8 and 9 of training manual, which is only after their selection.

14.6. The Note appended to the qualification mentioned in the advertisement neither alters nor modifies much less dilutes the eligibility criteria and is very much in consonance with the literal reading of Section 37 of the Act of 2006 read with Rule 2.1.3 of Rules of 2011. The first part of the note provides that there is no requirement for training prior to selection which is very much in accordance with the above provisions. The latter part of the note, which provides that training shall be provided to the selected candidates during probation period, merely refers to the interregnum period after the selection but prior to appointment by notification as FSO issued in terms of Section 37 of the Act of

2006 and thus, even the said condition nowhere transgresses into any of the prescribed qualifications. As a matter of fact, the provisions are plain and simple and even, no interpretation is required other than a literal interpretation.

14.7. The sum and substance of the above discussion is that after the selection of candidates based upon their educational qualifications, they become eligible for undergoing the induction training and only after successful completion of the said training, the notification for the appointment as FSOs is issued as provided under Section 37 of the Act of 2006. Any other interpretation of above provision would not only be contrary to the literal interpretation but would be defeating the very purpose for which the said qualifications have been prescribed. The learned Single Judge though referred to Section 37 of the Act of 2006 and Rule 2.1.3 of Rules of 2011, however, no credence was granted to the manner in which appointment has been envisaged in Section 37 of Act of 2006. The requisite date for possessing the essential qualification including successful completion of training has to be the date on which notification for appointment of FSO is issued.

14.8. The Learned Single Judge has grossly erred in holding that Rule 2.1.3 of the Rules of 2011 requires a candidate to complete the necessary qualification of completing the training at the time of selection as none of the provisions provides for the same.

14.9. The Judgment in the case of ***Rajnish Sharma & Ors. v. State of Rajasthan & Ors. (D.B. Civil Writ Petition No.12076/2018)*** decided on 15.01.2020 as referred by the

learned Single Judge nowhere required quashing of the note as it merely advances the applicability of Section 37 of the Act of 2006. Further the judgment of Hon'ble Apex Court in ***Ashish Kumar v. State of Rajasthan; (2018) 3 SCC 55*** fails to support the writ petitioners as no part of advertisement runs contrary to the Statutory Rules.

14.10. Very recently, the Hon'ble Supreme Court in the case of ***Chandra Shekhar Singh and Others v. The State of Jharkhand and Others; 2025 SCC OnLine SC 595*** has held that the appointment of FSO is to be made by the Commissioner of Food Safety and the candidates should be having such qualification for the said post and the prescription of the qualification for the said post is within the exclusive domain of Central Government. Relevant extract of the said judgment reads as under:

> *"23. A bare perusal of Section 37(1) ofthe FSS Act, makes it clear that the appointment of a FSO is to be made by the Commissioner of Food Safety, and the candidates should be having the qualification "**prescribed by the Central Government for such post.**"*
>
> *(emphasis supplied)*
>
> *24. Under Sub-Section (2) of Section 37, the State Government has been given the limited power to appoint any other officer of the State Government, having the qualification prescribed under Sub-Section (1), to perform the functions of the FSO within a specified jurisdiction.*
>
> *25. The plain language of the statute makes it clear that the prescription of qualification for the post of FSO is within the exclusive domain of the Central Government and the power to appoint is given to the Commissioner of Food Safety.*

26. The language of Section 91(2)(b) of the FSS Act, fortifies the said conclusion, that the power to prescribe educational criterion for the post of FSO lies exclusively with the Central Government. The heading of the Section 91 is 'Power of Central Government to make rules'. Sub-Section (2)(b) of Section 91 refers to the qualifications of the FSO under Sub-Section (1) of Section 37. Neither in the Act nor in the Rules, has the State Government been given the authority to frame the rules to prescribe the qualifications for the post of FSO. Section 94 of the FSS Act, which talks about the power of the State Government to make rules is restricted in its operation and gives a limited role to the State Government to frame rules for carrying out the functions and duties assigned to the State Government and the State Commissioner of Food Safety under the FSS Act, the rules and the regulations made thereunder. Thus, the scope of powers to be exercised by the State Government is limited only to the extent of formulating the modalities for carrying out the functions and duties assigned to the FSO under the FSS Act. Clearly thus, the FSS Act does not permit the State Government to transgress into the field of prescribing the qualifications for the posts of FSO, which lies within the exclusive domain of the Central Government."

14.11. It is also coming from the record that even the writ petitioners were required to undergo training after their appointment and only after completion of the said training, their notification for appointment as FSO was issued. Thus, having undertaken the very same exercise and the process for their own appointment, it is not open for the writ petitioners – respondents to assail the validity of the said process.

14.12. Once it is established that the training mentioned in Rule 2.1.3.1(iii) of the Rules of 2011 means the training as imparted by FSSAI after selection and that too at its own expense, the interpretation of the said qualification as made by the writ

petitioners-respondents would completely frustrate and defeat the entire process and it is more than settled that no interpretation which defeats the basic purpose of the Statute can be taken. Hon'ble Supreme Court in the case of ***H.S. Vankani And Others v. State of Gujarat And Others ; (2010) 4 SCC 301*** has held that the Courts have to avoid a construction of an enactment that leads to an unworkable, inconsistent or impracticable results since such a situation is unlikely to have been envisaged by the rule making authority. The relevant extract from the said judgment reads as under:

> ***"43.*** *It is a well-known rule of construction that the provisions of a statute must be construed so as to give them a sensible meaning. The legislature expects the court to observe the maxim ut res magis valeat quam pereat (it is better for a thing to have effect than to be made void). The principle also means that if the obvious intention of the statute gives rise to obstacles in implementation, the court must do its best to find ways of overcoming those obstacles, so as to avoid absurd results. It is a well-settled principle of interpretation of statutes that a construction should not be put on a statutory provision which would lead to manifest absurdity, futility, palpable injustice and absurd inconvenience or anomaly.*
>
> ***44.*** *In this connection reference may be made to the judgment in R (Edison First Power Ltd.) v. Central Valuation Officer [(2003) 4 All ER 209 : 2003 UKHL 20 (HL)] wherein Lord Millet said: (All ER pp. 116-17)*
>
> > *"116. … The courts will presume that Parliament did not intend a statute to have consequences which are objectionable or undesirable; or absurd; or unworkable or impracticable; or merely inconvenient; or anomalous or illogical; or futile or pointless.*
> > *117. But the strength of these presumptions depends on the degree to which a particular construction produces an unreasonable result.*

The more unreasonable a result, the less likely it is that Parliament intended it…."

45. *Reference may also be made to the judgment in Andhra Bank v. B. Satyanarayana [(2004) 2 SCC 657 : 2004 SCC (L&S) 433] wherein this Court has held: (SCC p. 662, para 14)*

"14. A machinery provision, it is trite, must be construed in such a manner so as to make it workable having regard to the doctrine 'ut res magis valeat quam pereat'."

46. *In Tinsukhia Electric Supply Co. Ltd. v. State of Assam [(1989) 3 SCC 709] this Court held as follows: (SCC p. 754, para 118)*

"118. The courts strongly lean against any construction which tends to reduce a statute to futility. The provision of a statute must be so construed as to make it effective and operative, on the principle 'ut res magis valeat quam pereat'. It is, no doubt, true that if a statute is absolutely vague and its language wholly intractable and absolutely meaningless, the statute could be declared void for vagueness. This is not in judicial review by testing the law for arbitrariness or unreasonableness under Article 14; but what a court of construction, dealing with the language of a statute, does in order to ascertain from, and accord to, the statute the meaning and purpose which the legislature intended for it."

47. *Reference may also be made to the decisions in Madhav Rao Jivaji Rao Scindia v. Union of India [(1971) 1 SCC 85] , Union of India v. B.S. Agarwal [(1997) 8 SCC 89 : 1998 SCC (L&S) 402] and Paradise Printers v. UT of Chandigarh [(1988) 1 SCC 440].*

48. *The above legal principles clearly indicate that the courts have to avoid a construction of an enactment that leads to an unworkable, inconsistent or impracticable results, since such a situation is unlikely to have been envisaged by the rule-making authority. The rule-making authority also expects rule framed by it to be made workable and never*

> *visualises absurd results. The decision taken by the Government in deputing the non-graduates (1979-1981 batch) to a two-year training course and graduates (1980-1981 batch) to a one-year training is in due compliance with Rule 10 of the 1969 Rules and Rule 18 of the 1974 Rules and the seniority of both the batches has been rightly settled vide Orders dated 12-10-1982 and 5-3-1987 and the Government has committed an error in unsettling the seniority under its proceedings dated 29-9-1993.*

14.13. The above principles have been reiterated by the Hon'ble Supreme Court very recently in the case of ***Municipal Corpn., Greater Mumbai v. Century Textiles & Industries Ltd., (2025) 3 SCC 183*** and it has been held that any construction of a provision which reduces a Statute to a futility or which defeats the plain intention of the Legislature has to be avoided.

14.14. Thus, the emerged position is that if a selected candidate fulfills the qualifications as prescribed in Rule 2.1.3.1(i) or (ii) of the Rules of 2011, he will have to undergo a training as prescribed under Rule 2.1.3.1(iii) of the Rules of 2011 and only after the successful completion of such training, he will be notified by the Commissioner as FSO by invoking the provisions of Section 37 of the Act of 2006. The word 'so appointed' solely refers to the appointment of FSO by way of notification in terms of Section 37 of the Act of 2006.

CONCLUSION :

15. Thus, considering the :

(i) specific provisions of Section 37 of the Act of 2006, which specifically requires the Commissioner to notify the appointment of FSO ;

(ii) Rule 2.1.3 of the Rules of 2011 which requires for possessing the requisite qualification on the date on which he is so appointed ;

(iii) the Training Manual, which refers to Section 37 of the Act of 2006 and Rule 2.1.3 of the Rules of 2011 and provides for an induction training to the FSOs who are newly recruited ; and

(iv) clarification issued by the FSSAI dated 03.10.2018 ;

we are of the considered opinion that as per the literal reading of the provisions, the requisite qualification for FSO has to be evaluated on the date on which the notification for appointment as FSO is issued and if the training is successfully completed at any time prior to it, the same would be very much in compliance of the provisions of Section 37 of the Act of 2006 and Rule 2.1.3 of Rules of 2011.

16. Consequently, both the D.B. Civil Special Appeal (Writ) Nos.790/2024 and 1048/2023 stands allowed and the impugned judgment dated 06.11.2023 passed in S.B. Civil Writ Petition No.7650/2023 is set aside. Further, D.B. Civil Special Appeal (Writ) No.1061/2025 stands dismissed and the impugned order dated 24.07.2025 passed in S.B. Civil Writ Petition No.13770/2025 is upheld.

All the pending applications, if any, stand disposed of.

(ANUROOP SINGHI),J **(SANJEEV PRAKASH SHARMA),ACJ**

S1-S3-SPhophaliya/-