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Judgment reserved on: 25.09.2025

Judgment delivered on: 15.10.2025

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No. 285 of 2025

Manali Chaudhary and three others -----Appellants

Versus

State of Uttarakhand and others -----Respondents

Presence:-

Mr. Dushyant Mainali, learned counsel for the appellants.

Ms. Rajni Supiyal, learned Brief Holder for the State.

Mr. Ashish Joshi, learned counsel for the Uttarakhand Public Service Commission.

JUDGMENT: (per Mr. SUBHASH UPADHYAY, J.)

This intra court appeal filed by the appellant/petitioners is directed against the judgment and order dated 01.09.2025 passed in Writ Petition No. 1218 (S/S) of 2024, Manali Chaudhary and others vs. State of Uttarakhand and others.

2. Facts in a nutshell relevant for the disposal of the instant appeal are as follows:

The Uttarakhand Public Service Commission (UKPSC) issued an advertisement on 08.01.2022 inviting



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applications for 78 posts of Sugar Cane Supervisor, however, the said recruitment was cancelled and on 01.11.2023, the Commission sought clarification from the Sugar Cane and Sugar Commissioner, Uttarakhand (employer) with regard to the anomaly it noted in respect to the educational qualification for the post of the sugarcane supervisor. A clarification was sought, that as per the service rules, the essential qualification for the post of Sugarcane Supervisor is two years diploma in agriculture but since after High school the Agriculture diploma (Agriculture Engineering) is of three years whether the three years diploma would be valid or not? The aforesaid query made by the Uttarakhand Public Service Commission reads as follows:

“प्रश्नगत पद की सेवा नियमावली में शैक्षिक योग्यता के अंतर्गत “किसी मान्यता प्राप्त संस्था का कृषि में दो वर्ष का डिप्लोमा रखता है”, का उल्लेख किया गया है। जबकि कतिपय अभ्यर्थियों द्वारा पत्र (छायाप्रति संलग्न) के माध्यम से अवगत कराया है कि हाईस्कूल के बाद एग्रीकल्चर डिप्लोमा (एग्रीकल्चर इंजीनियरिंग) तीन साल का होता है। अतः इस संबंध में स्थिति स्पष्ट करते हुए सूचना अपेक्षित है कि 03 वर्षीय डिप्लोमा मान्य है अथवा नहीं।”

3. The employer responded to the said query and vide letter dated 25.11.2023, replied that though the qualification mentioned in the rules is of two years diploma in Agriculture, however as the Uttarakhand Technical Education Board is providing three years diploma in Agriculture Engineering, as such, two years diploma or three years diploma is legally permissible. The



reply of the employer reads as follows:

“प्रस्तर के सम्बन्ध में यद्यपि किसी अभ्यर्थी का प्रार्थना पत्र उपलब्ध नहीं कराया गया है तथापि उत्तराखण्ड गन्ना पर्यवेक्षक (समूह तीन) सेवा नियम 2006 पचासशोधित उत्तराखण्ड गन्ना पर्यवेक्षक समूह तीन (संशोधन) सेवा नियमावली 2007 के नियम 08 (2) (ख) में शैक्षिक योग्यता “किसी मान्यता प्राप्त संस्था का कृषि में दो वर्ष का डिप्लोमा रखता हो” है।

ज्ञातव्य है कि उत्तराखण्ड प्राविधिक शिक्षा परिषद द्वारा कृषि इंजीनियरिंग में 02 वर्ष के स्थान पर 03 वर्ष का डिप्लोमा दिया जा रहा है। ऐसी स्थिति में किसी मान्यता प्राप्त संस्था का कृषि में दो वर्ष अथवा तीन वर्ष का डिप्लोमा मान्य किया जाना विधि सम्मत है।

4. The Uttarakhand Public Service Commission, however, issued an advertisement on 14.12.2023, inviting applications for 13 vacancies of State Milk Supervisor and 78 vacancies of Sugar Cane Supervisor and the educational qualifications prescribed therefor was Diploma/Polytechnic. The petitioners in the writ petition applied for the post of Sugarcane Supervisor and were issued the admit cards and on the basis of their performance in the written examination were selected and thereafter were called for documents verification but were declared in-illegible owing to their having diploma of three years in Agriculture Engineering.

5. It is the case of the petitioners/appellants that the rejection of their case is arbitrary and illegal as they possessed the requisite qualifications and were selected on the basis of their performance in the written examination and moreover, on the basis of the same



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qualifications the UKPSC had selected the candidates in the previous recruitment and those persons are still working in the department. The documentary proof with respect to the previous recruitments were enclosed as annexure-10 to the Writ Petition.

6. The counsel for the appellants/petitioners contends that the reasoning given by the respondent-Commission in the impugned rejection list to declare the petitioners as ineligible is completely baseless as even the clarification sought by the respondent-commission on 01.11.2023 was merely pertaining to the tenure of the Diploma of candidates being three years whereas, the eligibility in the Uttarakhand Sugar Cane Supervisor Service Rules 2006 was of two years; that the employer had clarified that three year diploma or two year diploma is legally permissible, therefore, the objection raised by the recruiting agency after the written examination was cancelled was improper, moreover, the department has already employed same qualification holders on the same post, in such view, the recruiting agency cannot go beyond the mandate of the employer department who has to induct a selected candidate as an employee. Learned counsel for the appellants thus contends that once the employer has declared the educational qualifications then the recruiting agency has to follow the said decision



and the learned Single Judge erred in rejecting the claim of the appellant.

7. *Per contra*, learned counsel for the Uttarakhand Public Service Commission Shri Ashish Kumar Joshi, contends that the educational qualification mentioned in the service rules is to be strictly followed and the appellants do not possess the said qualification, as such, their case was rightly rejected at the stage of document verification and mere selection does not confer a right of appointment on a candidate and the learned Single Judge after considering the entire facts has rightly dismissed the Writ Petition.

8. The issue involved in this intra court appeal is that as to whether the recruiting agency can determine the educational qualifications of a candidate or the decision of the employer in declaring the educational qualification is final. The Hon'ble Apex Court in catena of Judgments has held that judicial review can neither expand the ambit of the requisite qualification nor decide the equivalence of the prescribed qualifications. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State/employer as the recruiting authority to determine. Perusal of the record reveals that in the writ proceedings clarification



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was sought from the employer/State Government with respect to the requisite education qualification. The following orders would be relevant and would reveal the sequence of the events before the Writ Court:

On 10.07.2024:

- “(5) Learned counsel for the petitioners has produced in Court a letter dated 14.12.2023 issued by Secretary, Cane Development & Sugar Industry Department to Secretary, Uttarakhand Public Service Commission, Haridwar. He relies upon para 2(2) of the said letter for contending that the State Government has declared candidates having three years Diploma in Agricultural Engineering as eligible for the post in question. He further submits that all the petitioners were declared successful in the written examination and the process of document verification is on. He thus submits that the decision taken by Public Service Commission to declare the petitioners ineligible is unsustainable in view of aforesaid letter.
- (6) Mr. Ashish Joshi, learned counsel appearing for Public Service Commission submits that as per the Rules, petitioners are not eligible.
- (7) Learned counsel for the respondents shall file counter affidavits, within two weeks. Learned counsel for the petitioners shall file rejoinder affidavits thereto within one week thereafter.
- (8) List this case on 05.08.2024.
- (9) In the meantime, petitioners shall be provisionally permitted to participate in the process of document verification.”

On 05.11.2024:

“List this case on 11.11.2024.

On that day the counsel for the Commission will apprise this Court why the advertisement has not been issued as per the amended requisition.”

On 18.11.2024:



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“4. Learned counsel for the petitioners Mr. Dushyant Mainali on the previous date has argued that the advertisement have not been issued strictly as per the amended requisition sent by the Government on 14.12.2023.

5. He further submits that as per clause-2 of the Government Letter dated 14.12.2023 the Diploma in Agriculture is the same as of Diploma in Krishi Engineering. Paragraph-2 of the same is being reproduced herein as under:

“2. बिन्दु संख्या-2 की पृच्छा के क्रम में अवगत कराना है कि उत्तराखण्ड गन्ना पर्यवेक्षक (समूह तीन) सेवा नियम 2006 के नियम-08(2)(ख) में शैक्षिक योग्यता ‘किसी मान्यता प्राप्त संस्था का कृषि में दो वर्ष का डिप्लोमा रखता हो’ निर्धारित है, वर्तमान में उत्तराखण्ड प्राविधिक शिक्षा परिषद द्वारा कृषि इंजीनियरिंग में 02 वर्ष के स्थान पर 03 वर्ष का डिप्लोमा दिया जा रहा है, ऐसी स्थिति में ‘किसी मान्यता प्राप्त संस्था का दो अथवा तीन वर्ष का डिप्लोमा मान्य किया जाना’ उचित है।”

6. Learned counsel Mr. Ashish Joshi, who appears for the Commission the recruiting body, submits that both the Diploma in Agriculture and Diploma in Krishi Engineering are different. 7. Learned Standing Counsel Mr. Pradeep Hairiya after reading this clause submits that on perusal of the contents of this paragraph it is clear that the diploma in agriculture is the same as of a diploma in Krishi Engineering. 8. Put up this matter on 20.11.2024 so that the learned counsel for the Commission and the State may clarify.”

On 27.11.2024:

5. Petitioners participated in the selection process initiated by the Uttarakhand Public Service Commission for the post of Cane Supervisor. As per the advertisement, which is in conformity with the Rules, one of the qualifications is “Two Years Diploma in Agriculture”.

6. The Cane Commissioner wrote a letter dated 25.11.2023 to the Secretary, Cane Development, Government of Uttarakhand, paragraph 2 of the said letter is extracted herein below:



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“ प्रस्तर के सम्बन्ध में यद्यपि किसी अभ्यर्थी का प्राथमिक पत्र उपलब्ध नहीं कराया गया है तथापि उत्तराखण्ड गन्ना पर्यवेक्षक (समूह तीन) सेवा नियम 2006 यथासंशोधित उत्तराखण्ड गन्ना पर्यवेक्षक समूह तीन (संशोधन) सेवा नियमावली 2007 के नियम 08 (02) (ख) में शैक्षिक योग्यता “किसी मान्यता प्राप्त संसि का कृषि में दो वर्ष का डिप्लोमा रखता हो—है।

ज्ञातव्य है कि उत्तराखण्ड प्राविधिक शिक्षा परिषद् द्वारा कृषि इंजीनियरिंग में 02 वर्ष के स्थान पर 03 वर्ष का डिप्लोमा दिया जा रहा है। ऐसी स्थिति में किसी मान्यता प्राप्त संस्था का कृषि में दो वर्ष अथवा तीन वर्ष का डिप्लोमा मान्य किया जाना विधि सम्मत है।”

7. Thereafter, the Secretary to the Government by letter dated 14.12.2023 requested the Commission to proceed with the selection process to fill up the post of Cane Supervisor, as per letter dated 25.11.2023. Despite this letter which is placed on record as Annexure No. 1 to the Supplementary affidavit by the petitioner, the Commission did not take any action and by ignoring paragraph 2 of the letter dated 25.11.2023 published the advertisement dated 14.12.2023.

8. Mr. Rajeev Singh Bisht, learned Addl. CSC for the State fairly submits that the letter sent by the Secretary to the Commission dated 14.12.2023 is, in fact, treated as amended requisition and the Commission was under legal obligation to strictly follow the instructions given by the Secretary by letter dated 14.12.2023 and it appears that the Commission flouted the instructions given by the Secretary.

9. Mr. Ashish Joshi, learned counsel for the Commission, submits that letter dated 14.12.2023 was received by the Commission on 18.12.2023 and since the advertisement was issued earlier, therefore, no further corrigendum for including the qualification of “Three Years Diploma in Agriculture” for the post of Cane Supervisor could be issued. He further submits that there is no clarity in the letter dated 14.12.2023, therefore, the Commission has no option but to proceed with the selection process by issuing the advertisement on 14.12.2023.

10. This argument is not acceptable and appears to be misconceived particularly, when Mr. Rajeev Singh Bisht, learned Addl. CSC submits that instructions in the letter dated 14.12.2023 are very clear.

11. Pursuant to the advertisement, admit cards were issued to the petitioners and they participated in the written



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examination, however, they were declared ineligible for document verification.

12. Learned counsel for the petitioners submits that after clear instructions from the Government, the Commission has no authority to sit over the matter and treating the petitioners, who are having three years diploma in Agriculture, as ineligible. Thereafter, by virtue of interim order dated 10.07.2024, the Commission was directed to proceed with the verification of the documents of the petitioners, which has been carried by the Commission, however, result of the petitioners has been kept in a sealed cover whereas result of other candidates has been declared.

13. List on 02.12.2024.

14. Learned Counsel for the Commission is directed to place the result of the petitioners in a sealed envelope before this Court on the next date. He shall also explain on the next date:

- i. How the Commission, which is a Constitutional body, sit over the letter sent by the Secretary dated 14.12.2023, and if there is no clarity in the letter dated 14.12.2023, what action has been taken for seeking further clarification after receiving letter dated 14.12.2023.
- ii. Why the Commission have not followed and proceed with the letter of the Secretary dated 14.12.2023 which according to Mr. Rajeev Singh Bisht, Addl. CSC is nothing but a form of amended requisition.

On 02.12.2024:

5. List on 06.12.2024.

6. On that date, Secretary, Cane Development and Sugar Industries Department, Government of Uttarakhand, shall join the proceeding through V.C. in order to apprise this Court whether Three years' Diploma in Agriculture Engineering is being treated as equivalent to Diploma in Agriculture and he shall also explain the effect of letter dated 14.12.2023.

On 06.12.2024:



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2. On the previous date, the Secretary, Cane Development and Sugar Industries, Uttarakhand was directed to join the proceedings through video conferencing and it has been informed that the Secretary has recently retired, however, the Chief Secretary has deputed Mr. Ranveer Chauhan, the Additional Secretary, Cane Development and Sugar Industries, Uttarakhand in order to assist this Court.

3. On the issue of clarification with regard to the eligibility, the reference of which has been given by the Secretary in his letter dated 14.12.2023, the Additional Secretary submits that there is a clarity in the qualification and there is no doubt that the Technical Education Board grants diploma of three years instead of two years. 4. On the previous date, Mr. Pradeep Hairiya, learned Standing Counsel also submitted that there is a clarity with the qualification.

5. It is very strange that despite the clarity with the qualification, the recruiting body was so adamant to proceed with the advertisement issued on 14.12.2023 and no further clarification was sought from the Government. Not only this, even the Recruiting Body have not made a request to send the amended requisition and due to the lapse on the part of the Recruiting Body, now the ongoing selection is under scrutiny. This appears to be very serious.

6. Mr. Ranveer Chauhan, the Additional Secretary properly assisted the Court and this is really appreciable. Many other issues with regard to the affairs of the Recruiting Body have also been pointed out by this Court to the Additional Secretary and he assures to this Court that he will discuss all these issues with the Chief Secretary and after the discussion with other officials of different departments including Secretary of Education and the concerned officials of the Recruiting Bodies, and will apprise to the Court.

7. For this entire exercise, at this stage, they are seeking at least one month time, but, since there are so many cases, which are being heard regularly on each and every day and some of the bunch matters are posted in next week, therefore, this Court wants further assistance from the Government for which ten days time is given to the State.

8. Put up this matter on 17.12.2024.”



9. Learned counsel for the respondent-State, on instructions, submitted that the employer had clarified in its Communication that the three years diploma in the Agricultural Engineering is the valid qualification and the said stand was reiterated and she has nothing more to say in the appeal filed by the appellant.

10. After hearing the learned counsel for the parties we are of the considered view that the judgment & order under appeal is not sustainable as the authority to decide the qualification for a post is with the employer and the recruiting agency is bound by the decision taken by the employer. In the present case, the employer vide its communication had clearly specified that the three years diploma in Agricultural Engineering is valid and is equivalent qualification to the two years diploma possessed by the candidates. Thus, the recruiting agency, i.e., the UKPSC had to adhere to the said decision. Even, in the writ proceeding; with respect to the requisite educational qualification which a candidate should possess; the stand of the employer was clear and the said fact is evident from the various orders referred in the proceedings of the Writ Court. Thus, the rejection of the case of the petitioners by the recruiting agency was improper.



11. The Hon'ble Apex Court in the case of *Zahoor Ahmad Rather vs. Sk. Imtiyaz Ahmad*, (2019) 2 SCC 403; and *Unnikrishnan CV v. Union of India*, (2023) 18 SCC 546 and *Shifana P.S. v. State of Kerala*, 2012 SCC Online Ker 24735, has held that the decision of the employer with regard to educational qualification or its equivalence is final and whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine. Thus, the judgment and order dated 01.09.2025 passed by learned Single Judge in Writ Petition No. 1218 (S/S) of 2024, *Manali Chaudhary and others vs. State of Uttarakhand and others* cannot be sustained and is accordingly, set aside. The recruiting agency, i.e., UKPSC is directed to declare the result of the appellants forthwith.

12. The Special Appeal is allowed.

No order as to costs.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)



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