



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.2702 OF 2025 (S-RES)

BETWEEN:

SRI GAJENDRA KUMAR R.,
S/O RACHOOTARADYA,
AGED ABOUT 37 YEARS,
R/AT NO.31, NEAR BASAVESHWARA TEMPLE,
MALLASANDRA
NADAVATHI POST, HOSKOTE TALUK,
BENGALURU TALUK - 560067.

...PETITIONER

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF SCHOOL
EDUCATION AND LITERACY,
M.S.BUILDING
BENGALURU – 560 001
REP. BY ITS SECRETARY
2. THE DIRECTOR
DIRECTORATE OF MUNICIPAL ADMINISTRATION,
9TH FLOOR, VISHWESHWARAIHA TOWERS,
DR. AMBEDKAR VEEDI,
BENGALURU – 560 001.
3. THE SECRETARY
KARNATAKA PUBLIC SERVICE COMMISSION
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE, AGA FOR R1 & R2;
SRI. K.M. PRAKASH, ADVOCATE FOR R3)



THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ENDORSEMENT BEARING NO. E-289848/DMA/EST2/SDA/8/2020/6944 DATED 26.12.2022 VIDE ANNEXURE-R ISSUED BY THE RESPONDENT NO. 2 BY DECLARING THAT THE APPLICANT IS ELIGIBLE, QUALIFIED FOR SELECTION AND APPOINT TO THE POST OF SECOND DIVISION ASSISTANT AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks the following reliefs:

“a) Issue Writ, Order or Direction in the nature of certiorari quashing the impugned Endorsement bearing No. E-289848/DMA/EST2/SDA//2020/6944 dated: 26.12.2022 vide Annexure-R issued by the Respondent No.2 by declaring that the applicant is eligible, qualified for selection and appoint to the post of Second Division Assistant.

b) Issue writ, Order or direction in the nature of mandamus directing the Respondent No.2 to issue Appointment Letter to the Applicant in furtherance of the Final Selection List bearing No. PSC E(3) 1516/20-21 dated: 02.06.2020 issued by the Respondent No.3 and accepted by the Respondent No.2 vide Annexure-K and to appoint the applicant as Second Division Assistant with all consequential benefits on par with other candidates whose names were mentioned in the said Final Select List;

c) Pass any such other order or orders as this Hon'ble Court deems fit grant in the circumstances of the case to meet the ends of justice and equity.”



2. Heard learned counsel for the petitioner, learned AGA for respondent Nos.1 and 2 and learned counsel for respondent No.3 and perused the material on record.

3. A perusal of the material on record will indicate that on 18.10.2004, the petitioner having passed a job oriented pre-university course conducted by respondent No.1 and was issued with a job oriented Pre-University Diploma Certificate by the Secretary, State Council of Vocational Education and Director of Vocational Education, Government of Karnataka. On 01.09.2017, respondent No.3 issued a recruitment notification in pursuance of which the petitioner applied to the post of Second Division Assistant on 06.10.2017 and an examination was conducted on 11.02.2018 and a marks list was published on 07.02.2019, pursuant to which respondent No.3 issued an intimation calling upon the petitioner for verification of documents. On 02.06.2020, final selection list was published by respondent No.3, who also issued an endorsement dated 11.06.2020 allotting the petitioner to respondent No.2-Department i.e. Directorate of Municipal Administration. On 01.07.2020, respondent No.2 Issued an endorsement calling the petitioner for verification of documents and



the petitioner was called to attend counseling on 12.07.2021, in pursuance of which the petitioner submitted representations dated 02.06.2022 and 08.06.2022, *inter alia* contending that the JOC qualification obtained by him was equivalent to PUC qualification and as such, the petitioner is entitled to the said post.

4. It is the grievance of the petitioner that despite the petitioner being eligible and qualified by possessing JOC certificate, which was equivalent to PUC qualification/certificate, respondent No.2 issued the impugned endorsement dated 26.12.2022 vide Annexure-R, whereby the selection of the petitioner was cancelled on the ground that the petitioner did not possess PUC qualification and that JOC was not equivalent to PUC qualification for the purpose of selection. Aggrieved by the impugned endorsement at Annexure-R 26.12.2022, the petitioner is before this court by way of the present petition.

5. Per contra, learned AGA for respondent Nos.1 and 2 and learned counsel for respondent No.3 submit that there is no merit in the present petition and the same is liable to be dismissed.



6. Before averting to the rival contentions, it is necessary to extract the requisite qualification in terms of the Notification dated 01.09.2017 issued by respondent No.3 – KPSC, which reads as under:

“ 5. ಶೈಕ್ಷಣಿಕ ವಿದ್ಯಾರ್ಹತೆ:-

ಅ) ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರ ಹುದ್ದೆಗಳಿಗೆ:

ಭಾರತದಲ್ಲಿ ಕಾನೂನು ರೀತ್ಯ ಸ್ಥಾಪಿತವಾದ ಯಾವುದೇ ವಿಶ್ವವಿದ್ಯಾಲಯದ ಪದವಿ ಪರೀಕ್ಷೆಯಲ್ಲಿ ತೇರ್ಗಡೆಯಾಗಿರಬೇಕು ಅಥವಾ ಸರ್ಕಾರವು ಅಂತಹ ಪರೀಕ್ಷೆಗೆ ಸಮಾನವೆಂದು ಅಂಗೀಕರಿಸಿದ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು ಹೊಂದಿರಬೇಕು.

ಟಿಪ್ಪಣಿ: ಡಿಪ್ಲೋಮಾ ಹಿಂದಿ ಸಭಾಗಳಿಂದ ಪಡೆದ ರತ್ನಾ ವಿಶಾರದ, ಪಂಡಿತ್ ಇತ್ಯಾದಿ ವಿದ್ಯಾರ್ಹತೆಗಳನ್ನು ಪದವಿಗೆ ತತ್ಸಮಾನವೆಂದು KCS (Recruitment to the Ministerial Post) Rule 1978 ರ ನಿಯಮಗಳಲ್ಲಿ ಅಧಿಸೂಚಿಸಿರುವುದಿಲ್ಲವಾದ್ದರಿಂದ, ಇವು ಪದವಿಗೆ ಸಮಾನವಾಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ವಿದ್ಯಾರ್ಹತೆಯ ಅಭ್ಯರ್ಥಿಗಳು ಸದರಿ ಹುದ್ದೆಗೆ ಅರ್ಹರಾಗುವುದಿಲ್ಲ.

ಆ) ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕರ ಹುದ್ದೆಗಳಿಗೆ:

ಕರ್ನಾಟಕ ಪದವಿ ಪೂರ್ವ ಶಿಕ್ಷಣ ಇಲಾಖೆಯು ನಡೆಸುವ ಪದವಿ ಪೂರ್ವ ಪರೀಕ್ಷೆ ಅಥವಾ ತತ್ಸಮಾನ ವಿದ್ಯಾರ್ಹತೆಗಳಾದ ಐಟಿಐ ಮತ್ತು ಇತರೆ ಮೂರು ವರ್ಷದ ಡಿಪ್ಲೋಮಾ ಕೋರ್ಸ್.

ಟಿಪ್ಪಣಿ: ಮುಕ್ತ ವಿಶ್ವವಿದ್ಯಾಲಯಗಳು ನಡೆಸುವ 10+2 ಪರೀಕ್ಷೆಯನ್ನು ಸದರಿ ಹುದ್ದೆಗೆ ನಿಗದಿತ ವಿದ್ಯಾರ್ಹತೆ ಎಂದು ಪರಿಗಣಿಸಲಾಗುವುದಿಲ್ಲ.

ಸೂಚನೆ: (ಅ) ಮತ್ತು (ಆ) ಹುದ್ದೆಗಳಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ನಿಗದಿಪಡಿಸಿರುವ ಕೊನೆಯ ದಿನಾಂಕದಂದು ಈ ಮೇಲಿನ ನಿಗದಿತ ವಿದ್ಯಾರ್ಹತೆಯ ಪರೀಕ್ಷೆ ಬರೆದು ಫಲಿತಾಂಶಕ್ಕಾಗಿ ಕಾಯುತ್ತಿರುವ ಅಭ್ಯರ್ಥಿಗಳು ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ಅರ್ಹರಾಗಿರುವುದಿಲ್ಲ.”



7. As can be seen from the aforesaid eligibility/qualification criteria, respondent No.3 has prescribed that the requisite qualification would require the candidate to have obtained either PUC or ITI or other equivalent 3 years diploma course. In the instant case, a perusal of the certificate at Annexure-H dated 18.10.2004 issued in favour of the petitioner will indicate that the petitioner is shown to have been awarded job oriented pre-university diploma in vocational education. The question/issue as to whether a qualification whether a JOC certificate is equivalent to PUC certificate is no longer *res integra* in the light of the judgments of this Court in the cases of ***the State of Karnataka and another Vs. Sri. Raveendra Basavarajappa Emmi and another – W.P.No.22520/2018 dated 16.11.2018, Karnataka Public Service Commission Vs. Sri. Rajkumar and others - W.P.Nos.9335-9338/2012 dated 05.09.2012 and Karnataka Public Service Commission Vs. Raghuveersingh Thakur and others - W.P.No.47033-47039/2017 dated 08.12.2017.***

8. In the case of ***Raveendra Basavarajappa Emmi (supra)***, this Court held as under:



HC-KAR

**NC: 2026:KHC:20400
WP No. 2702 of 2025**

“State has filed this writ petition challenging the legality and correctness of the order passed by the Karnataka Administrative Tribunal, Bengaluru (hereinafter referred to as the ‘Tribunal’ for the sake of convenience) in Application No.283/2011 (Annexure-C) and in Review Application No.64/2017 (Annexure-D) respectively.

2. We have heard learned Additional Government Advocate for the petitioners and learned counsel for respondent No.1 and perused the material on record.

3. Briefly stated the facts are that the 1st petitioner herein issued notification dated 27.02.2009 (Annexure-A1) inviting applications inter alia, for appointment of twenty-two physiotherapists on the establishment of the 2nd petitioner-Department. In response to the same, 1st and 2nd respondents herein applied to the post of Physiotherapists contending that they had the requisite qualification. The said recruitment was made pursuant to Karnataka Health and Family Welfare Services (Recruitment to certain posts) (Special) Rules, 2009 (hereinafter referred to as the ‘Special Rules’ for the sake of convenience). A Special Recruitment Committee (Committee) was constituted under the said Rules. The eligibility criteria in the form of age and educational qualification were prescribed, the mode of recruitment was notified and as per the schedule to Rules 4 and 6. Insofar as twenty-two vacancies in the post of Physiotherapists (General), the educational qualifications were as under:

1. Pass in PUC with Science as optional subject or equivalent qualification.



2. Must be a holder of Diploma in Physiotherapy conducted by Karnataka Paramedical Board.

4. According to the 1st respondent, applicant after passing SSLC, he took up multipurpose Job Oriented Course conducted by the State Government for Vocational Education which is equivalent to PUC Science course. According to the 1st respondent, the said course has been equated to PUC Science course by Bangalore University vide Annexure-A8. The 1st respondent has also completed three year Diploma course in Physiotherapy and six months of internship conducted by the Karnataka State Board of Education in Physiotherapy. Therefore, the 1st respondent contended that he was eligible to be considered for the post of Physiotherapists in Category-IIIA. When the Selection Committee published a provisional list of selected candidates on 14.05.2010, the name of the 1st respondent figured in the said list. Although he had secured good marks in the two courses referred to above, when the final selection list was published on 15.07.2010 vide Annexure-A10, his name did not find a place therein. On account of the non- inclusion of his name in the selection list, 1st respondent made a representation which was responded by way of an endorsement dated 09.09.2010, stating that he was not considered for the post of Physiotherapists as he did not possess the requisite qualification, namely PUC Science qualification. Being aggrieved by the endorsement dated 09.09.2010 at Annexure-A14, 1st respondent assailed the same and sought for inclusion of his name in



the final selection list in place of the 2nd respondent herein before the Tribunal. The Tribunal on considering his case in Application No.283/2011 allowed the same and granted the following reliefs:

“9. In the result, we proceed to pass the following order :

(i) The application is allowed;

(ii) The respondent nos.1 and 2 are directed to consider the candidature of the applicant for the post of Physiotherapist considering JOC as equivalent to PUC, select and appoint him, if he is otherwise eligible without disturbing the selection of the third respondent, if necessary by creating a supernumerary post. It is made clear that in the event of selection applicant, he is not entitled to claim seniority over the candidates who are already selected as per the final select list. He is also not entitled to claim any back-wages. In the event of his selection, the name of the applicant shall be included in the select list below the name of the third respondent ;

(iii) Time for compliance – three months from the date of receipt of a copy of this order.

5. Being aggrieved by the said order, State filed review application No.64/2017 before the Tribunal contending that since the equivalent qualification was not notified, the Tribunal could not have held that the certificate obtained by the petitioner in respect of Job Oriented Pre-University Diploma was a qualification equivalent to PUC in science stream. Therefore, the State sought for review of the order passed by the Tribunal. The said review



application has also been dismissed by order dated 16.06.2017. Being aggrieved by the aforesaid orders, the State has preferred this writ petition.

6. Learned Addl. Government Advocate appearing for the State contended that a two-fold qualification is mentioned for the post of Physiotherapists: a candidate must possess PUC with Science as an optional subject or an equivalent qualification; he must also possess a Diploma qualification in Physiotherapy conducted by the Karnataka Paramedical Board. No doubt the 1st respondent herein possessed the latter qualification, but he does not possess a PUC with science as an optional subject. In the circumstances, the petitioners were right in excluding his name from the provisional selection list and consequently in the final selection list.

7. Learned Additional Government Advocate qualification has been mentioned in PUC with science as an optional subject, in the absence of there being any equivalence declared by the concerned authority, the 1st respondent herein had to seek such equivalence and in the absence of doing so, the Tribunal could not have granted such an equivalence by declaring that the certificate obtained by the 1st respondent in Job Oriented Course was equivalent to PUC in Science stream. Learned Addl. Government Advocate contended that the Tribunal ought not to have granted any relief to the 1st respondent and ought to have dismissed the application since a meritorious candidate namely respondent No.2 herein has been appointed and the said appointment cannot be disturbed.



8. *Learned Addl. Government Advocate further submitted that the Tribunal was not right in dismissing the review petition and hence this court may interfere in the matter.*

9. *Per contra, learned counsel for respondent No.1 supported the orders passed by the Tribunal and contended that the Tribunal granted relief to the 1st respondent based on the dictum of this Court in W.P.Nos.29048-29055/2002 and connected cases decided on 28.11.2002 which has been followed in W.P.Nos.29919-928/2009 (S-KAT) decided on 20.06.2011 which have been extracted in the order passed by Tribunal. The same have also been followed by the Tribunal in Application No.4101/2007 and connected cases disposed off on 25.05.2012. That this Court has held that PUC is equivalent to the qualification of Job Oriented Course (JOC). That the State has not assailed the judgment of this Court or the Tribunal in the aforesaid cases and hence the State is estopped from contending otherwise in this case. He further submitted that when the Rules prescribe a qualification as well as an equivalent qualification, it is incumbent to specify the equivalent qualification and, in the absence of such specification, eligible candidates would lose an opportunity of being appointed. That in the instant case, 1st respondent was erroneously ignored, although he was fully qualified to be appointed. Therefore, he was constrained to approach the Tribunal which has granted relief to him.*

10. *Learned counsel for the 1st respondent submitted that the Tribunal has granted relief to the 1st*



respondent without disturbing the selection of the 2nd respondent by directing the State to create a supernumerary post as the 1st respondent has been erroneously ignored in respect of the post of physiotherapist and that the 1st respondent has lost his seniority which has been accepted by him. Therefore he submitted that this court may not intervene in the matter as there is no merit in the writ petition.

11. The aforesaid narration of facts and contentions would not call for reiteration except highlighting the fact that, for the post of Physiotherapist, the Special Rules prescribed a two-fold educational qualifications. It is the case of the 1st respondent that even though he does not studied a PUC with science as an optional subject, he nevertheless has a Job Oriented Pre-University Diploma Certificate which has been awarded to him after a period of two years study in Physiotherapy which is a vocational course. The same was prosecuted by him after SSLC. That he has also a three years' Diploma Course in Physiotherapy along with six months' Internship. That he has also a qualification of three years' Diploma Internship vide certificate awarded by Karnataka State Board of Examination in Physiotherapy vide Annexure-A4. Thus, according to the 1st respondent, he has the equivalent qualification to PUC and also the second qualification as prescribed under the Rule extracted above.

12. The Tribunal while considering the case of the 1st respondent has referred to the relevant portion of the dictum in W.P.Nos.29048-55/2002 and connected cases disposed



HC-KAR

NC: 2026:KHC:20400
WP No. 2702 of 2025

off on 28.11.2002 by this Court in the following terms. The said dictum has been followed subsequently in W.P.Nos.29919-928/2009 (S-KAT) disposed off on 20.06.2011 in the following terms.

“15(ii) Respondents are directed to treat the PUC (Dip-in-VOC) granted by the State Council for Vocational Educational/Directorate of Vocational Education, as ‘PUC’ for purpose of Entry 66 for meeting the educational qualification prescribed under Entry-66 of 14 the schedule to the Recruitment Rules and consequently consider the cases of petitioners for selection with reference to their ranking based on marks in the combined competitive examination, PUC (Dip-in-VOC) and TCH. It is made clear that if selected, such selection will not entitle the petitioners to claim higher ranking/seniority over the candidates who have already been selected as per the final selection list. The petitioners, on selection, if otherwise found eligible and entitled, shall be placed at the bottom of the select lists. Compliance within four months.”

“8. It is made clear in view of the judgment of the Division Bench of this Court in the earliest case, the JOC is equivalent to the PUC, therefore the Government cannot take a different view when once the judgment of the court is accepted by the Government and the same is followed since 2002.”

13. This Court has held that JOC is equivalent take a different view, once it has been accepted by it and the same has been holding the field since 2002. Of course, learned Addl. Government Advocate sought to distinguish those judgments by contending that the same were rendered in respect of recruitment of teachers and not under the Special Rules under consideration. However, it is necessary to



discern the ratio of the said judgments wherein, it has been stated that the JOC is equivalent to PUC. In the instant case although an equivalent qualification to PUC (Science Stream) has been prescribed under the Special Rules, there has been no specific course which has been mentioned as an equivalent course. When such being the position, candidates such as respondent No.1 herein could not be deprived of an opportunity to be considered and appointed to the said post. On account of the lapse on the part of the State Government or the Recruitment under the Rules in not prescribing any equivalent qualification the candidates otherwise eligible cannot be deprived of an opportunity vis-à-vis the post in respect of which they seek recruitment.

14. On perusal of the Special Rules, we find that in respect of other posts while specifying the minimum educational qualification prescription of equivalent qualification has been made in the Rules itself. But with regard to the post of Physiotherapist (General), there is no such equivalent qualification which has been prescribed. In our view, in the absence of any prescription of the equivalent qualification under the Rules or subsequently before the last date for filing applications, the case of the 1st respondent could not have been ignored. In the circumstances, we find that the Tribunal was justified in following the dicta of this Court referred to above. In the instant case, the petitioner years' Job Oriented Course in Physiotherapy and further he has a Diploma in Physiotherapy conducted by Karnataka Paramedical Board which is three and half years' course. We find that the



petitioner is well qualified to be considered and appointed as a Physiotherapist (General) under the Special Rules. However, he has been excluded from selection owing to the lapse on the part of the State Government or the Recruitment Committee, as the case may be, under the Rules by not specifying equivalent qualification. The 1st respondent cannot be deprived of an opportunity to seek appointment under the Special Rules owing of a lapse on the part of the authorities concerned. In the circumstances, we find that the order passed by the Tribunal is just and proper and that it does not affect selection of the 2nd respondent herein in any way. Further the Tribunal has rightly dismissed the review petition in the absence reviewing the order dated 22.06.2016 passed in Application No.283/2011. In the result, we find that no merit in the writ petition. The writ petition is hence dismissed.

15. It is also to be noted that PUC Science stream does not involve any study of Physiotherapy and therefore, the multipurpose basic health worker (male) in Physiotherapy stream is an appropriate qualification for the post of physiotherapist (general).

16. Since the Tribunal had granted three months' time for compliance of its directions which has lapsed we direct the petitioners to comply with the direction of the Tribunal within a period of one month from the date of receipt of certified copy of this order.

17. Before parting with this case, it is necessary to observe that if the State Government under any recruitment Rule, whether special or otherwise, prescribes an



equivalent qualification as an alternative to a general qualification then, it is incumbent upon the Rule making authority or the department, as the case may be, prior to inviting applications for a particular post to prescribe the equivalent qualification. In the absence of the same, many qualified candidates would lose an opportunity of being appointed under the Rules. On account of the lapse on the part of the rule making authority or the department calling for recruitment, eligible candidates cannot be deprived of such a valuable opportunity.”

9. In the case of ***Rajkumar (supra)***, this Court held as under:

“The Karnataka Public Service Commission has preferred this writ petition challenging the order passed by the Karnataka Administrative Tribunal at Bangalore, permitting the applicants to appear for interview and directing the Selecting Authority to consider their performance in the interview and take further steps in the matter, within two months holding that the applicants, who possess PUC (Dip. in Voc) and had undergone successful 10 months training in Horticulture satisfied the requirement specified in the notification.

2. For the purpose of convenience, the parties are referred to as they are referred to in the original application.



3. *The applicants are candidates for the posts of Horticulture Assistants in pursuance of the notification dated 06.09.2010. The qualification prescribed for the post is PUC or equivalent qualification and the candidate must have undergone 10 months successful training in Horticulture conducted by the Horticulture Department. The alternative qualification is that the candidate must possess JOC Certificate in Horticulture subject conducted by the Directorate of Vocational Education. All these applicants possess JOC Certificate Course in subjects other than Horticulture. They contended that PUC (JOC) is PUC prescribed as qualification for the post and they having the said qualification and 10 months successful training in Horticulture conducted by the Horticulture Department, they are eligible to apply for the said post. The Selecting Authority was of the opinion that PUC (Dip. in Vocational Education) cannot be considered as PUC prescribed in the Notification and since the Government had not declared PUC (Dip. in Vocational Education) as equivalent to PUC conducted by the Educational Universities, the applicants were not eligible to apply for the posts of Horticulture Assistant. Therefore, the applications were rejected. Challenging the said rejection, they filed applications before the Karnataka Administrative Tribunal. The Selecting Authority as well as the Government contested the matter on the aforesaid grounds. After hearing both the parties, the Tribunal following the judgment of the Division Bench of this Court in **Narasimha Khataroth and Others' V. State of Karnataka and Others' in Writ***



Petition No.29048/2002 and connected cases, decided on 28th November, 2002, held that the qualification prescribed in the notification that the candidate shall possess PUC amounts to candidate possessing qualification above SSLC and shall be qualified to be admitted to degree courses like B.A./B.com/B.Sc. and consequently, held that the stand of the Selecting Authority is not legal and therefore, they allowed the applications and issued aforesaid directions. Aggrieved by the said order, these petitions are filed.

4. Learned counsel appearing for the petitioner assailing the impugned order contended that the judgment of the Division Bench of this Court, which was followed by the Tribunal in Lingaraj's case, has no application to the facts of this case. In the judgment of the Division Bench relying on Entry 66 of the Recruitment Rules, it was held that what is defined in the General Recruitment Rules is equivalent qualification, wherein, the term used in Entry 66 of the Recruitment Rules, is equivalent examination. The contention that the State Government has to notify P.U.C. (Dip. in VOC) conducted by the State Council of the Vocational Education is equivalent to P.U.C. conducted by the Department of Pre-University Education, was not required. But in the instant case, it is clear from the Rules governing the selection process, the words used are; "must have passed PUC examination or possess equivalent qualification".



HC-KAR

NC: 2026:KHC:20400
WP No. 2702 of 2025

5. *It is only the Government by virtue of Rule 2(1) (h) of the General Recruitment Rules, is vested with the power to declare a qualification to be an equivalent qualification. It is not in dispute that the Government has not declared the qualification of PUC as equivalent to PUC (Dip. in VOC or JOC) and therefore, he submitted that the said judgment has no application to the facts of the case and the Tribunal committed error in not holding that the applicant had not passed PUC or possessed equivalent qualification and granting relief to the applicant.*

6. *Per contra, learned counsel appearing for the applicant submitted that in the aforesaid case the Division Bench of this Court has held that PUC examination includes not only the Pre-university courses conducted by the Department of Pre-university Education, but it also includes JOC Pre-university Diploma Courses known as PUC (Dip. in VOC or JOC) conducted by the State Council of Vocational Education and Directorate of Vocational Education. Both are two years Pre-university Courses. Therefore, it is not a case of applicants possessing equivalent qualification. It is the case of applicants, having passed PUC examination. Therefore, he submits that no case for interference is made out.*

7. *In the light of what is stated above and the rival contentions, the point that arises for our consideration is';*



“Whether the applicants in the instant case have passed PUC examination or possessed equivalent qualification?”

8. In Narsimha Khataroth's case this Court formulated two points for consideration. They are;

1) *Whether the candidates who have passed two years' Job Oriented Pre-University Course (Dip. in Voc) and TCH can be staid to have passed “PUC & TCH examination or equivalent examination” which is the educational qualification prescribed for the posts of Primary School Assistant Masters under Entry No.66 of the Schedule to the recruitment rules?”*

2) *Whether the JOC, that is PUC (DIP-in-VOC) conducted by the Karnataka State Council of Vocational Training and Directorate of Vocational Education is equivalent to PUC conducted by the Department of Pre- University Education.*

9. Answering the first point, this Court has held as under;

“ The term “PUC” is an abbreviation for ‘Pre- University Course’. It is not in dispute that the State Government conducts two Pre University Courses. The first is the Pre-University Course conducted by the Department of Pre-University Education. The second is the Job Oriented Pre-University Diploma Course [known as PUC (Diploma in VOC) or JOC] conducted by the State Council of Vocational Education and Directorate of Vocational Education. Both are two years Pre- University Courses. Entry No.66 of the Recruitment Rules prescribing the Educational qualification requires that the candidate should have passed PUC. It does not state that the candidates must have



HC-KAR

**NC: 2026:KHC:20400
WP No. 2702 of 2025**

passed PUC conducted by the Department of Pre-University Education”.

7. It is no doubt true that the Pre-University Course conducted by the Department of Pre-University Education, is referred to as PUC. But JOC is also known as “PUC (Dip.-in-VOC)”. The certificate issued by the State Council of Vocational Education and Directorate of Vocational Education to candidates who have passed the Job Oriented two years Pre-University Diploma Course clearly certifies that the Job Oriented Pre- University Diploma is awarded with the privilege to use the title “PUC (Dip.-in-VOC)”. Therefore, unless otherwise specified or excluded, Job Oriented course is also a Pre-University Course; and where the educational qualification prescribed for a post is “PUC” and not “PUC” conducted by Department Education”, it is not possible to exclude candidates who has passed PUC (Dip-in-VOC) course conducted by State Council of Vocational Education and Directorate of Vocational Education.

10. From the aforesaid judgment, it is clear that the word ‘PUC’ includes Pre-University Course conducted by Department of Pre-University Education and also the Job Oriented Pre-University Diploma Course [known as PUC (Dip. in VOC) or JOC] conducted by the State Council of Vocational Education and Directorate of Vocational Education. Both are two years Pre-University Courses. Therefore, in the instant case the qualification prescribed is; ‘must have passed PUC examination’. The applicants, who have passed the JOC, have passed the PUC examination. Unfortunately, the Selecting Authority was of the view that they are claiming the qualification that they possess as an equivalent qualification with PUC and



therefore, it was of the view that unless the Government issues a notification declaring the equivalency, they cannot act upon them. They failed to notice that the first qualification prescribed i.e., 'must have passed PUC examination' is satisfied by the applicants. That is the error committed by the Selecting Authority, and therefore, they were not justified in rejecting the applications filed by the applicants who had passed PUC examination. The said error has been corrected by the Tribunal.

11. This is also clear from the qualification prescribed under the rules, which reads as under;

(i) must have passed PUC examination or possess equivalent qualification and must have undergone successful 10 months training in Horticulture conducted by the Horticulture Department;

Or

(ii) must possess Job Oriented Course certificate in horticulture subject conducted by the Directorate of Vocational Education.

12. A reading of the aforesaid qualification for the post distinguishes between the Job Oriented Course certificate in Horticulture subject conducted by the Directorate of Vocational Education and any other certificates. If a candidate possess Job Oriented Course certificate in Horticulture subject, without anything more is eligible to be appointed for the said post. But, the person, who has passed PUC examination, which includes Pre-University examination conducted by the Department of Pre-University Education as well as Job Oriented Pre-



University Diploma Course conducted by the State Council of Vocational Education and Directorate of Vocational Education in the subject of horticulture are put on par. In addition to that, there may be other examination passed, which is declared to be an equivalent qualification by the Government. In all these cases, passing PUC examination or acquiring equivalent qualification is not sufficient, in addition to that, they must have undergone successful ten months training in Horticulture conducted by the Horticulture Department. Therefore, the persons, who have passed PUC examination conducted by these two authorities, are placed on par and unless they completed ten months training in Horticulture, they are not eligible. If candidates, who have completed Job Oriented Course with Horticulture subject are preferred straight away. The intention is clear. The Selecting Authority has missed the substance of the qualification prescribed for being eligible to be appointed to the said post. Therefore, we do not see any error committed by the Tribunal. No case for interference is made out. Hence it is dismissed.”

10. In the case of **Raghuveersingh Thakur (supra)** this

Court held as under:

“ 1. The Karnataka State Public Service Commission (‘KPSC’ for short), has called in question, the order dated 24.07.2017 by the Karnataka State Administrative Tribunal (‘KAT’ for short), in Applications No.1514 to 1520/2017, whereby, the KAT, has directed the



KPSC to consider the candidature of the respondents herein for the posts of 'Typists'.

2. We have heard Shri Reuben Jacob, learned Counsel for the petitioner; Shri M.B. Naragund, Senior Advocate for the respondents No.1 to 7 and Smt. Prathima Honnapura, learned AGA for respondent No.8.

3. The principal contention urged by Shri Reuben Jacob is that, the qualification prescribed by the KPSC for the posts of 'Typists' is, pass in PUC or a Diploma in Commercial Practice or equivalent. The respondents herein, have obtained a Certificate in 'Job-Oriented Pre-University Diploma' from the State Council of Vocational Education. They have undergone the prescribed course in different trades, such as, maintenance and repair of domestic appliances, electrical wiring etc. Therefore, they are not eligible for consideration for the posts of 'Typists'.

4. Shri Reuben Jacob, further argued that the KAT erred in law in holding that the Certificates obtained by the respondents be treated as equivalent to PUC.

5. Per contra, Shri M.B.Naragund, learned Senior Counsel, supporting the impugned order, submitted that the Certificates held by the respondents herein are issued by the State Council for Vocational Education. He drew our attention to a foot note contained in the Certificate, which reads as follows:-



"In Testimony whereof this Job-Oriented Pre-University Diploma is awarded with the privilege to use the title P.U.C. Diploma in Vocational Education."

6. *Drawing support from the above extracted note, Shri Naragund, argued that the Certificate is admittedly issued by the State Government, with a testimony that the holder of the said Certificate, shall enjoy the privilege to use the title 'PUC-Diploma in Vocational Education'. He further submitted that, the said Certificate is a sufficient qualification to get admission for degree courses, such as, B.A., B.Com., BB.M., etc. In support of this contention, he adverted to a Notification dated 29.08.2000, issued by the Bangalore University, appended as Annexure-R1 to the statement of objections filed by the contesting respondents.*

7. *In substance, Shri Naragund, argued that the Certificates held by the respondents are equivalent to PUC Certificates and therefore, eligible for consideration for the posts of 'Typists'.*

8. *Smt. Prathima Honnapura, learned AGA for the State, contended that, the Certificate held by the respondents is not exactly a 'PUC Certificate' and therefore not equivalent.*

9. *We have carefully considered the submissions made by the learned Counsel appearing for the parties and perused the records.*



10. *Admittedly, the qualification prescribed by the KPSC for the posts of 'Typists' is PUC or equivalent. The respondents have been accorded with the privilege to use the title 'PUC-Diploma in Vocational Education'. A perusal of the Notification issued by the Bangalore University, relied upon by Shri Naragund, gives a clear and unexceptional impression that, the Certificates in question are adequate enough to seek a degree course. Therefore, in our view, a Certificate, which qualifies admission into an University must be held equivalent to a PUC Certificate.*

11. *In view of the aforesaid discussion, we see no error in the order passed by the KAT, directing the KPSC to consider the cases of the respondents for the posts of 'Typists' on the strength of the Certificates issued by the State Council for Vocational Education.*

12. *Resultantly, these writ petitions must fail and are accordingly dismissed.*

Petitions dismissed.

We make no order as to costs."

11. As can be seen from the aforesaid judgments of this Court, the JOC certificate is equivalent to PUC certificate for the purpose of selection to the post of Second Division Assistant and consequently, I am of the considered opinion that respondent Nos.1 and 2 clearly fell in error in rejecting the selection of the



petitioner on the ground that he had not obtained PUC certificate, despite the petitioner having possessed JOC certificate as can be seen from the material on record. Under these circumstances I am of the view that the impugned endorsement at Annexure-R dated 26.12.2022 deserves to be quashed and respondent No.2 has to be directed to issue appointment letter in favour of the petitioner and appoint him as SDA along with other candidates as per the final selection list within a stipulated time frame.

12. In the result, I pass the following:

ORDER

- i) The petition is allowed.
- ii) The impugned endorsement at Annexure-R dated 26.12.2022 issued by respondent No.2 is hereby quashed.
- iii) The concerned respondents are directed to issue appointment letter to the petitioner on par with other candidates in the final selection list for the post of Second Division Assistant, within a period of two months from the date of receipt of a copy of this order.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**