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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7259/2017, CM Nos. 30094/2017 & 30123/2017**
RISHIKA SALUJA

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with
Ms. Aastha Dhawan & Ms. Gauri P.
Desai, Advs.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. V. Sudeer, Adv. for R-
2/Syndicate Bank

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **22.08.2017**

CM No. 30123/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7259/2017

1. The present petition has been filed with the following prayers:-

“In view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be graciously pleased to:

a. issue a writ of mandamus or any other appropriate writ, order or direction thereby quashing the announcement letter

dated 27th July, 2017 and letter dated 3rd August, 2017 whereby the candidature of the petitioner for the post of Market Officer (Scale-I) in Respondent No.3 was cancelled;

b. issue a Writ of mandamus or any other appropriate writ, order or direction directing the Respondent no.2 to issue a fresh appointment letter to the Petitioner for the post of Marketing Officer-I in its bank;

c. pass such other or further order(s) as may be deemed fit and proper in facts and circumstances of the present case.”

2. It is the submission of Mr. Kirti Uppal, learned Senior Counsel appearing for the petitioner that the petitioner had in her application filled her qualification as MMS (Marketing) as the options were limited to MMS (Marketing)/MBA (Marketing)/ full time two years PGDBA/PGDBM/PGPM/PGDM with specialization in marketing.

3. His further submission is that the petitioner has a higher qualification than what is required i.e MMS (Marketing)/MBA (Marketing)/full time two years PGDBA/PGDBM/PGPM/PGDM with specialization in marketing. He also states, respondents knowing well the exact qualification of the petitioner i.e Master of Arts in Advertising and Marketing Management, had allowed the petitioner to appear in the interview. The petitioner having been found successful, was allotted against a vacancy. Her candidature for the recruitment has been cancelled on the ground that she does not fulfil the

eligibility criteria, as prescribed in the advertisement.

4. On the other hand, Mr. V. Sudeer, learned counsel appearing for the respondent No.2 would oppose the petition stating that the petitioner, while filling up the application form, has shown her qualification as MMS (Marketing) in place of Master of Arts in Advertising and Marketing Management, which in fact a misrepresentation. That apart, he states that the advertisement issued clearly stipulated that a candidate is allowed to participate in the selection process provisionally, subject to verification of the necessary qualification. He also states, that the advertisement also stipulated that it is only the qualification as mentioned in the advertisement need to be possessed by a candidate and no equivalence qualification shall be considered as eligible by IBPS or Participating Organizations. In other words, it is his submission the required qualification/eligibility was MMS (Marketing)/MBA (Marketing)/full time two years PGDBA/PGDBM/PGPM/PGDM and nothing else. He states that the qualification possessed by the petitioner i.e Master of Arts in Advertising and Marketing Manager, is not a qualification required under the advertisement.

5. Having heard the learned counsel for the parties, suffice to state, it is a

conceded case of the petitioner that the eligibility in the advertisement was MMS (Marketing)/MBA (Marketing)/full time two years PGDBA/PGDBM/PGPM/PGDM. It is also noted, the petitioner in her application has mentioned her qualification as MMS (Marketing), which is at variance with the actual qualification possessed by her, and the same is clear from the certificate/degree at page 26 of the paper book. If that be so, eligibility in terms of the advertisement has not been fulfilled.

6. Insofar as the submission of Mr. Uppal that the qualification possessed by the petitioner is higher than the one required in terms of the advertisement is concerned, the same is without any merit for the simple reason, the advertisement prescribed no equivalence qualification shall be considered as eligible for the purpose of recruitment to the post in question. So it follows, the possession of higher qualification by the petitioner would also be encompassed in the said stipulation. The plea, that a candidate could mention only those qualifications, as per the options made available, demonstrate that the respondents wanted qualifications, which are mentioned in the advertisement. The impugned order cannot be faulted.

7. I do not see any merit in the petition. The same is dismissed. No costs.

CM No. 30094/2017 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

AUGUST 22, 2017/ak