



\$~99

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13463/2024**

ANKIT KUMAR YADAV

.....Petitioner

Through: Mr. Saaket Jain and Ms. Shivangi
Anand, Advocates.

versus

**NATIONAL EDUCATION SOCIETY FOR TRIBAL STUDENTS
& ANR.**

.....Respondents

Through: Mr. Amartya A. Sharan, Advocate for
Respondent No.1/NESTS.

Mr. Vikash Kumar Sharma, SPC with Mr. Jitendra
Kumar Tripathi, Advocate for Respondent
No.2/UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **25.09.2024**

CM APPL. 56359-56360/2024

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 13463/2024 and CM APPL. 56361/2024

3. This writ petition has been preferred by the Petitioner under Article 226 of the Constitution of India seeking quashing of the impugned e-mail dated 24.06.2024 vide which candidature of the Petitioner for PGT Computer Science under EMRS Recruitment has been cancelled. A writ of mandamus is also sought for directing Respondent No.1 to treat the Petitioner as a successful candidate for the post of PGT Computer Science in view of valid Degree of essential qualification possessed by him and issue a joining letter for the said post.

4. Facts to the extent necessary for adjudication of this petition at this



stage are that Petitioner acquired a B.Tech. Degree in Computer Science and Engineering from University Institute of Engineering and Technology, CSJM University, Kanpur. Thereafter, he has successfully completed M.Sc. Degree Course in Computer Science from IIT, Madras on 21.06.2021.

5. On 02.06.2023, National Education Society for Tribal Students ('NESTS'), which is an autonomous organization under Ministry of Tribal Affairs, Government of India, issued an advertisement inviting online applications for recruitment to teaching and non-teaching posts for Eklavya Model Residential Schools ('EMRSs') across the country. Information bulletin & guidelines for filling the online application forms for EMRS Staff Selection Exam (SSE)-2023 were also published on the same day wherein along with recruitment details for conducting the examination, essential qualifications for specific subjects were also stipulated.

6. It is averred that Petitioner filled the online application form before the last date i.e. on 31.07.2023. Petitioner was in the category of PGT Teachers and his examination was scheduled for 16.12.2023. Petitioner appeared in the examination and was declared successful when the result was declared on 22.01.2024. Petitioner was called for document verification on the dates allotted for the purpose and as per the averments in the writ petition, a provisional appointment letter was issued to him on 02.03.2024 whereby he was called to produce original documents at the time of joining. 05 lists of candidates were issued thereafter for documents verification and on 03.06.2024, joining instructions were given to the candidates. However, Petitioner was informed vide the impugned e-mail dated 24.06.2024 that his candidature as PGT Computer Science had been cancelled for the reason that he did not possess the required educational qualifications.



7. Petitioner is aggrieved by cancellation of his candidature which is on the ground that Petitioner did not possess the minimum essential qualification for the post of PGT Computer Science and was thus ineligible. It is the case of the Petitioner that essential qualification for the post of PGT Computer Science is M.Sc. in Computer Science and Petitioner holds M.Sc. Degree in Computer Science from IIT, Madras. It is urged that IIT, Madras has conferred on the Petitioner an M.Sc. Degree *albeit* the nomenclature of the degree is different and reads “MASTER OF SCIENCE (M.SC.) BY RESEARCH ON THE COMPLEXITY OF RECOGNIZING HORN, DOUBLE HORN AND BIDUAL HORN FUNCTIONS”. With the purpose of fostering research in science, it is mandatory for a student pursuing M.Sc. in Computer Science from IIT, Madras to submit a research thesis during his degree and which is why the topic of research thesis is reflected in the degree certificate. Moreover, the degree itself mentions that Petitioner has successfully completed the prescribed programme of study, which was nothing but Master in Computer Science. The fact that Petitioner’s degree is Master in Computer Science can also be verified from the admission letter given to the Petitioner on 15.12.2016 at the time he enrolled himself in the degree course. Learned counsel submits that without applying its mind to the degree submitted by the Petitioner, his candidature has been illegally cancelled by Respondent No. 1.

8. Issue notice.

9. Mr. Amartya A. Sharan, learned counsel accepts notice on behalf of Respondent No.1/NESTS and Mr. Vikash Kumar Sharma, learned SPC accepts notice on behalf of Respondent No.2/UOI.



10. The only issue that arises for consideration is whether the degree of the Petitioner in Master of Science by Research issued by IIT, Madras can be considered as M.Sc. degree in Computer Science. It is a settled law that Courts cannot prescribe the essential qualifications and/or declare the equivalency of a degree. Equivalence of a technical degree is purely an academic matter and is best left to the academic experts in the field. There is no material before the Court nor does the Court have the expertise to rule on equivalence of the degree furnished by the Petitioner to an M.Sc. degree in Computer Science much less to hold that the degree is a degree of M.Sc. in Computer Science. Judicial review cannot expand to deciding equivalence of prescribed qualifications with the given qualification and is the domain of the employer who advertises the post in question. **[Ref.: Unnikrishnan CV and Others v. Union of India and Others, 2023 SCC OnLine SC 343 and Shifana P.S. v. State of Kerala and Others, (2024) 8 SCC 309]**. In this context, I may refer to the judgment of the Supreme Court in **Mukul Kumar Tyagi v. State of Uttar Pradesh and Others, (2020) 4 SCC 86**, where the Supreme Court while dealing with the issue of equivalence between the course on Computer Concept Certificate and Computer Qualification Certificate observed as follows:-

“59. The equivalence of qualification as claimed by a candidate is matter of scrutiny by the recruiting agency/employer. It is the recruiting agency which has to be satisfied as to whether the claim of equivalence of qualification by a candidate is sustainable or not. The purpose and object of qualification is fixed by employer to suit or fulfil the objective of recruiting the best candidates for the job. It is the recruiting agency who is under obligation to scrutinise the qualifications of a candidate as to whether a candidate is eligible and entitled to participate in the selection. More so when the advertisement clearly contemplates that certificate concerning the qualification shall be scrutinised, it was the duty and obligation of the recruiting agency to scrutinise the qualification to find out the eligibility of the candidates. The self-



certification or self-declaration by a candidate that his computer qualification is equivalent to CCC has neither been envisaged in the advertisement nor can be said to be fulfilling the eligibility condition.”

11. Therefore, at this stage, in my view, it would be appropriate to direct Respondent No.1 to treat this writ petition as a representation and examine the issues raised by the Petitioner with regard to the degree obtained by him from IIT, Madras being an M.Sc. degree in Computer Science.

12. Accordingly, this writ petition is disposed of directing Respondent No. 1 to take a decision on the issues raised by the Petitioner taking into account the degree conferred by IIT, Madras, as also certificate dated 18.06.2024 given by IIT, Madras certifying that Petitioner was registered for Master of Science by Research which is a post-graduate research programme in the Department of Computer Science and Engineering of IIT, Madras and was awarded MS by Research in ‘Computer Science and Engineering’ on 24.09.2021. Decision will be taken by the Respondent No.1 within three weeks from the date of receipt of this order. If the decision is in favour of the Petitioner, he shall be called for further process of appointment. If for any reason, the decision is otherwise, a reasoned and speaking order shall be passed by Respondent No. 1, which will be communicated to the Petitioner within one week thereafter and Petitioner will be at liberty to take recourse to legal remedy, if so advised.

13. Pending application stands disposed of.

JYOTI SINGH, J

SEPTEMBER 25, 2024

B.S. Rohella/shivam