

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

F.M.A. 955 of 2019

**The State of West Bengal & Ors.
Vs.
Subha Kumar Ghosh & Ors.**

For the Appellants : Mr. Pinaki Dhole, Advocate
Mr. Avishek Prasad, Advocate

For the writ petitioner/
Respondent no.1 : Md. Sarwar Jahan, Advocate
Ms. Tapati Sarkar, Advocate

Heard & Judgment on : 11.11.2025.

Debangsu Basak, J.:-

1. Appeal is at the behest of the State of West Bengal and its functionaries and directed against the order dated February 2, 2018 passed in W.P. 26710 (W) of 2014.
2. By the impugned order, learned Single Judge, allowed the writ petition and directed the authorities to consider the case of the writ petitioner for employment in the post concerned by treating the educational qualification of the writ petitioner as same as that of a Diploma in Civil Engineering.

3. Learned advocate appearing for the appellants submits that, a notification for employment was issued on November 29, 2013. Five posts were advertised out of which, Nirman Sahayak of Gram Panchayat was one of them.
4. Learned advocate appearing for the appellants draws the attention of the Court to the qualification prescribed for the post of Nirman Sahayak of Gram Panchayat. He submits that the qualification prescribed is a Diploma in Civil Engineering. He contends that, the writ petitioner does not possess a Diploma in Civil Engineering.
5. Only document which the writ petitioner relies upon, in support of his qualification is a certificate issued by the Institute of Civil Engineers (India) and the same is not sufficient, according to the learned advocate for the appellants. He submits that, certificate merely shows that, the writ petitioner is a member of an institute and cannot be construed to be possessing a Diploma in Civil Engineering.
6. Learned advocate appearing for the appellants submits without prejudice to his earlier contention that, in the event, the certificate issued by the Institute of Civil Engineers (India) in favour of the writ petitioner is construed to be equivalent to a Diploma in Civil Engineering then also since, the notification does not prescribe equivalency to be considered, the same should not be considered. In support of his contention, he relies upon **(2015) 8 Supreme Court Cases 484 (Prakash Chand Meena & Ors. Versus State of Rajasthan & Ors.)**.

7. Learned advocate appearing for the writ petitioner submits that, the certificate issued by the Institute of Civil Engineers (India) itself will show that, such certificate was equivalent to a Diploma in Civil Engineering. Moreover, both Central and State Governments accepted such certificate to be that equivalent to a Diploma in Civil Engineering. He submits that, there can be no impediment in consideration of the candidature of the writ petitioner for the post. He points out that, the writ petitioner stood second in the panel.
8. By a notification dated November 29, 2013 State Government issued a notice of employment for several posts. One of the post advertised was for Nirman Sahayak of Gram Panchayat. The qualification prescribed therein was Diploma in Civil Engineering.
9. Contention on behalf of the appellants that, a certificate claiming that, the holder of such certificate possesses equivalent Diploma in Civil Engineering will not suffice since the word equivalent is not used in the prescription of the qualification as published by the notification dated November 29, 2013, cannot be accepted.
10. Prescription of qualification for the subject post is Diploma in Civil Engineering. Writ petitioner possesses a certificate issued by the Institute of Civil Engineers (India) which states that, the certificate holder possesses Diploma equivalent to Diploma in Civil Engineering. Certificate issued by the Institute of Civil Engineers (India) as that of the present case, was recognized by the Central Government way back in 2007 to be equivalent to Diploma in Engineering.

11. Material placed on record establishes that, State Government accepted the certificate of the Institute of Civil Engineers (India) as that of the writ petitioner to be equivalent to a Diploma in Civil Engineering 2011. The writ petitioner participated in the selection process subsequent to such acknowledgement, in terms of the employment notification.
12. Employment Notification, as it stands, does not exclude an equivalent Diploma being considered. In our understanding, Diploma in Civil Engineering will necessarily mean that, an equivalent educational qualification of such qualifying diploma would be included.
13. ***Prakash Chand Meena & Ors (supra)*** relates to a recruitment process where the Supreme Court found that there was change in the norms post advertisement after the selection process begun. In such scenario, Supreme Court commented on the change of the selection process.
14. In the facts and circumstances of the present case, there is no change in the selection process so far as prescription of qualification is required.
15. In view of the above discussions, we find any merit in the present appeal.
16. **FMA 955 of 2019** along with connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

17. I agree.

(Md. Shabbar Rashidi, J.)