



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7915 OF 2024

Abhijeet s/o Dyaneshwar Kalgunde,
Age 23 years, Occ. Private Service,
R/o Kolgaon, Shrigonda,
Tq. & Dist. Ahmednagar

... PETITIONER

VERSUS

- 1) The State of Maharashtra
through the Secretary,
Rural Development Department,
Mantralaya, Mumbai
- 2) The Collector-cum-the Chairman of
District Selection Committee,
Ahmednagar – 414 003
- 3) The Chief Executive Officer,
Zilla Parishad, Ahmednagar,
District Ahmednagar – 414 001
- 4) The Deputy Executive Officer,
Zilla Parishad, Ahmednagar,
cum the Secretary,
District Selection Committee,
Grampanchayat Department,
Ahmednagar – 414 001
- 5) Tarachand Mukunda Chindhe,
Age 41 years, Occ. Nil,
At Post Galnimb, Tq. Shrirampur,
Dist. Ahmednagar 413 710

... RESPONDENTS

.....
Mr. S.V. Natu, Advocate holding for
Mr. H.S. Bali & Sonal S. Bali, Advocates for petitioner
Mrs. P.J. Bharad, A.G.P. for R.No.1 & 2
Mr. A.D. Aghav, Advocate for R.No.3 & 4
Mr. A.N. Kakade, Advocate for R.No.5.
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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Date of reserving judgment : 26th August, 2025

Date of pronouncing judgment : 11th November, 2025

JUDGMENT (PER : R.G. AVACHAT, J.) :

Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. The respondent No.3 issued an advertisement, No.1/2023 for recruitment to the various posts including the post of Extension Officer (Statistical) on the establishment of Zilla Parishad, Ahmednagar. One of the posts of Extension Officer was reserved for NT-C category. Both, the petitioner and the respondent No.5 belong to the said category. Both of them applied for the post. A written test was held on 8/10/2023. A select list (provisional) was published. The petitioner was shown at Sr.No.3 therein. He secured 172

marks out of 200. The respondent No.5 secured 170 marks. All the provisionally selected candidates were called for documents verification. It appears that, the respondent No.5 made a complaint contending that candidates not complying with the requisite educational qualification appeared for documents verification.

3. The final select list was published on 24/7/2024, wherein respondent No.5 was shown to have been selected. The petitioner did Bachelor of Engineering (B.E.) (Mechanical). Mathematics/ Statistics was one of the subjects for B.E. The respondent No.5 earned Bachelor's degree in Computer Science and postgraduation therein as well. The reason for not selecting the petitioner to the post was that he did not have requisite educational qualification.

4. The learned counsel for the petitioner would submit that, the (B.E.) (Mechanical) is an applied Science. It is no less a degree in Science itself. The counterpart of respondent No.3 recruited the candidates holding similar educational qualification for the said post in the district of Gondia.

According to him, the recruiting authority i.e. respondent No.3 ought not to have solicited guidance from the MPSC and/or the State of Maharashtra in General Administration Department when he himself was of the view that the petitioner is qualified for the post. According to him, the petitioner was a meritorious candidate. The respondent No.5 ought not to have been given a march over the petitioner's claim. He, therefore, urged for allowing the Writ Petition.

5. The learned counsel for respondent No.5 would, on the other hand, submit that, B.Sc. and M.Sc. (Computer) is a stream in Science faculty. Name of the petitioner figured in the provisional select list. It was published prior to the verification of documents. According to him, not a single candidate exclusively holding a degree in Engineering had been selected/ recruited for the post in State of Maharashtra. The same suggests that the State of Maharashtra and the recruiting authority as well do not recognize degree in Engineering to be a graduation in Science stream. According to him, in the districts of Raigad, Satara and Yavatmal as well, candidates holding the (B.E.) (Mechanical) have not been

selected for the post. A communication dated 30/4/2024, issued by the Deputy Secretary, Rural Development Department was also adverted to.

According to the learned counsel, it is for the recruiting authority to decide or to be satisfied as to whether the claim of equivalence of qualification by a candidate is sustainable or not. Judicial intervention in such matter is not to be accepted. In support of his claim, he relied on the judgments of the Apex Court in cases of (1) **Maharashtra Public Service Commission Vs. Sandeep Shriram Warade etc. etc. (2019) 6 SCC 362**, (2) **Mukul Kumar Tyagi Vs. State of Uttar Pradesh & ors. Etc.etc. (2020) 4 SCC 86** and (3) **Union of India Vs. Uzair Imran & ors. (2023) SCC OnLine SC 1308** to ultimately urge for dismissal of the petition.

6. We have considered the submissions advanced. Perused the documents on record and the authorities cited.

The respondent No.3 issued the advertisement for filling up various posts including the post of Extension Officer

(Statistical) on the establishment of Zilla Parishad, Ahmednagar. The educational qualification for the said post was as below :

अ. क्र.	पदाचे नाव	शैक्षणिक अर्हता व अनुभव
18	विस्तार अधिकारी (सांख्यिकी)	संविधिमान्य विद्यापीठाची विज्ञान, कृषी, वाणिज्य किंवा वाङ्मय शाखेची अर्थशास्त्र किंवा गणित अथवा सांख्यिकी विषयासह प्रथम अगर द्वितीय वर्गातील पदवी धारण करीत असतील किंवा ज्यांना नमुना सर्वेक्षण करण्याचा अनुभव असेल, किंवा पदवी व अनुभव दोन्ही असतील असे उमेदवार परंतु, अशा विषयांपैकी एका विषयाची स्नातकोत्तर पदवी धारण करणाऱ्या उमेदवारांना अधिक पसंती देण्यात येईल

7. Four posts of Extension Officer (Statistical) were to be filled up. One of the four posts was reserved for NT-C category. Both, the petitioner and respondent No.5 belong to said category. Both of them along with others applied for the said post. A written test was held. Petitioner secured 172 out of 200 marks. Respondent No.5 secured 170 marks. Provisionally selected candidates were called for documents verification. In the provisional select list, the petitioner was shown at Sr.No.3. After the verification of the documents was

done, the respondent No.5 was selected for the post. It appears that, the said respondent had given a written complaint, alleging the candidates not satisfying with the requisite qualification as given in the advertisement, were called for documents verification.

8. The mark sheets placed on record by the petitioner indicate that Engineering Mathematics were one of the subjects of the Engineering (B.E.) Course cleared by the petitioner. Admittedly, the petitioner did graduation in Mechanical Engineering. (B.E. (Mechanical)). Whereas the respondent No.5 has cleared B.Sc. (Computer Science) and postgraduation therein as well. The respondent No.3 solicited guidance from the MPSC and even the State of Maharashtra in General Administration Department. Both the authorities communicated him the degree in Engineering is quite different than degree in Science. The respondent No.3, therefore, held the petitioner to have not possessed the requisite qualification to hold the post. The Selection Committee comprising of the Collector, Chief Executive Officer, Zilla Parishad, Ahmednagar and Deputy Chief Executive Officer (respondent No.3)

respectively declared the petitioner to be not eligible for the said post. For better appreciation, the reason given by the Selection Committee is reproduced in verbatim.

अ. क्र.	उमेदवाराचे नाव	बैठक क्रमांक	अपात्र असण्याचे कारण	शेरा
१	अभिजीत ज्ञानेश्वर कालगुंडे	३५२०००२३५७	मा. उप सचिव, ग्रामविकास व पंचायत राज विभाग, महाराष्ट्र शासन पात्र क्र. संकीर्ण - ३१२४/प्र.क्र. ५०/ आस्था ८ दि. ३०/०४/२०२४ नुसार बी. ई. (मेकॅनिकल्स) हा शैक्षणिक अभ्यासक्रम आणि विज्ञान शाखेची पदवी हे दोन अभ्यासक्रम पूर्णतः वेगवेगळे आहेत. बी. ई. (मेकॅनिकल्स) या पदवीत उपयोजित शास्त्र (अप्लाइड सायन्स) आणि विज्ञान शाखेमध्ये मूल शास्त्र (बेसिक सायन्स) असते. त्यामुळे हे दोन्ही अभ्यासक्रम वेगवेगळे आहेत व ते समकक्ष नाहीत त्यामुळे अपात्र.	

9. The respondent No.3, in his communication made to the State of Maharashtra in General Administration Department, had expressed his view that the petitioner has requisite educational qualification for appointment to the said post. We are conscious of the observations made by the Apex Court in the aforesaid three decisions relied on by the respondent No.5. A gist of the observations of the Apex Court is that :-

The equivalence of qualification as claimed by a candidate is a 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 essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The Court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review.

10. It is reiterated that, educational qualification for the

post of Extension Officer (Statistical) was – degree in Science or Agriculture or Commerce or Arts stream with subjects – Economics or Mathematics or Statistical. Preference to a postgraduate in any of those streams was to be given. A short question, therefore, falls for consideration in this Writ Petition is as to whether the petitioner's degree in Engineering is a degree in Science stream. Admittedly, the petitioner had Engineering Mathematics as one of the subjects for his Engineering academics. It needs no mention that, post passing of S.S.C. examination, candidates prefer either Science, Commerce or Arts stream. One of those three streams is preferred, then on passing of H.S.C. examination, a candidate from Science stream may go for either Medical or Engineering Science. No candidate who did H.S.C. either from Commerce or Arts stream is permitted to switch over to Science stream. It is, however, permissible for a candidate clearing H.S.C. from Science stream to switch over either to Commerce or Arts stream for further studies of First Year B.Com. and onwards or B.A. After passing of H.S.C. examination in Science stream, who were better placed in securing marks prefer to go for either M.B.B.S. or Engineering. Needless to mention,

Bachelor of Engineering is an applied Science. A Bachelor of Engineering (B.E.) is considered a Science related degree because, it applies Scientific Mathematical principles to solve practical problems, making it a type of applied science. While a pure science degree (like a Bachelor of Science or B.Sc.) focuses more on the theoretical and fundamental; principles of science, an engineering degree emphasizes hands on application and technology. Both are foundational in their own way, but engineering is about using science for practical purpose. As per the advertisement, even a degree in Arts stream i.e. B.A. with Mathematics or Statistics is a requisite qualification, we fail to understand why not a degree in Engineering (B.E. Mechanical) with Mathematics or Statistics is one of the subjects. In our view, B.E. is necessarily a graduation in Science stream. The petitioner's educational qualification gets covered by the clause as to requisite qualification in the advertisement.

11. Respondent No.5 also did not earn degree in Science stream so to say because, his specialization is in Computer Science. We are not much concerned therewith

since we have to find whether the petitioner holds the requisite educational qualification. The clause in the advertisement regarding educational qualification is as plain as it is. In our view, degree in Engineering (B.E.) is a degree in Engineering Science and when the advertisement does not spell out about the subjects wherein a candidate should have earned a degree of Science stream is concerned, we found the petitioner to have requisite qualification (as has been required in terms of the advertisement). If we rely on the submissions made by the learned counsel for the respondent No.5 on the strength of the authorities relied on by him, judicial review would outrightly be closed in a case like present one. If the recruiting authority/ employer concerned goes wrong, judicial review has to be resorted to, to set the wrong right.

12. For all the aforesaid reasons, the Petition deserves to be allowed. The petition is, therefore, allowed in terms of prayer clauses (B), (C) and (D), which read thus :

- (B) By issuing writ of certiorari or in the like nature, quash and set aside the impugned Final Selection List published on 24/07/2024 (Exhibit "H").

- (C) This Hon'ble Court be pleased to declare the qualification of the petitioner be eligible for the post of Extension Officer (Statistical) as per the advertisement 01/2023.
- (D) This Hon'ble Court be pleased to issue writ of mandamus thereby directing the respondents to consider the candidature of the petitioner for the post of Extension Officer (Statistical).

Rule made absolute accordingly.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

FMPathan/-