



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO. 4081 of 2025

Union of India, through its Secretary,
Department of Defence Production,
Ministry of Defence, South Block, New Delhi and others.

..Petitioners

Versus

Shri Dasarathi Nahak, Nagpur.

..Respondent

Mr. P. V. Navlani, Advocate for petitioners.

Mr. D. B. Chatterjee, Advocate with B. Lahiri, Advocate for respondent.

CORAM :- ANIL S. KILOR and RAJNISH R. VYAS, JJ

DATE :- 12th SEPTEMBER, 2025

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Heard learned counsel for the parties.

2. The petitioners have raised a question to the correctness and legality of the order passed by the Central Administrative Tribunal (for short, the Tribunal) on 24.04.2024 allowing the original application preferred by the respondent and directed the petitioners to promote the respondent on the post of 'Chargeman', if he is found otherwise suitable for the post of Chargeman.

3. The question for determination before the Tribunal was whether B.Sc. Industrial Chemistry has an equivalence with the B. Sc. General Chemistry. This question arose in view of the fact that the petitioners published a Notification on 24.04.2020 for filling-up the vacancies for the post of 'Chargeman'/Tech & Non-Tech (OTS & Stores) in various disciplines/trades, in factories/units, which was earlier known as Ordnance Factory Board. The respondent applied for appearing in LDCE 2020 for the post of 'Chargeman'(Tech/Non-Tech). Thereafter the petitioner-Ordnance Factory has published a provisional list of Metallurgy discipline. Subsequent thereto, Ordnance Factory Board issued directions vide letter No.

2982/LDCE/CM(T&NT)/2020/PER/GB with a condition that 'the candidature of all candidates is subject to fulfilling all eligibility criteria including educational criteria and verification genuineness of candidature'. As per the Recruitment Rules, the eligibility of the respondent was found ambiguous with regard to the educational qualification on the ground that the respondent did not possess qualification of General Chemistry as major subject, which is the requisite prescribed qualification for the Chargeman (Metallurgy) post. The respondent possesses B.Sc. Degree with Industrial Chemistry as major subject.

4. The petitioner no.3-General Manager, issued a communication to the Secretary, Ordnance Factory Board, thereby seeking a clarification. According to the petitioner no.3, the General Chemistry was not the subject of the respondent while obtaining/acquiring the degree of B.Sc. but it was Industrial Chemistry.

5. Thereupon an opinion was sought from the University Grants Commission as well as Berhampur University from where the respondent obtained his B.Sc. Degree with Industrial Chemistry.

6. In reply, the Berhampur University vide its letter dated 29.01.2021 informed to the petitioner no.3 that B. Sc. Degree with General Chemistry usually consists of all branches of Chemistry such as Physical Chemistry, Inorganic, Organic, Analytical, etc. however, the cited case Industrial Chemistry, which is more specific branch of Chemistry. It is further informed with regard to the equivalence of Honors degree in subjects other than Chemistry with a B.Sc. Degree with General Chemistry that it has to be examined by the 'Recognition Committee'.

7. Thereafter Post Graduate Department of Chemistry, Berhampur University issued a letter to the Chairman, Board of Studies, which was forwarded to the Works Manager (Admn.), Ordnance Factory, Ambazari, Nagpur. Said letter states that B. Sc. Degree with Industrial Chemistry is within the scope of General Chemistry, which is more suitable for industrial

sector. Thus, the Equivalence Committee of the University categorically opined that B. Sc. Degree with Industrial Chemistry is within the scope of General Chemistry, which is more suitable for industrial sector.

8. Admittedly, this opinion of the expert in the field, speaks about the suitability of the B. Sc. Degree with Industrial Chemistry for the post where the B. Sc. Degree with General Chemistry is the qualification required/sought for.

09. After receiving this communication, the petitioners without recording a single reason, to disagree with such opinion, issued a communication dated 15.07.2021 observing that by taking into consideration all the facts and circumstances, it has been decided by the Competent Authority that the respondent's candidature for LDCE for the post of 'Chargeman'(T/Met) stands cancelled.

10. The learned Tribunal on 24.04.2024, after considering the opinion of the Equivalence Committee held in favour of the respondent and allowed the original application and directed the petitioners to promote the respondent on the post of 'Chargeman', if he is found otherwise suitable for the post of 'Chargeman'. The said order allowing the original application is the subject matter of challenge in this writ petition alongwith the order dismissing the review application preferred by the petitioners before the Tribunal.

11. Shri Lalwani, learned counsel for the petitioners has placed reliance on the judgment of this Court in the matter of *Dadaso Balaso Awad and another vs. State of Maharashtra and others* reported in **[2023 DGLS (bom.) 5107]** wherein this Court has observed that the qualification for appointment to a particular post is for the employer to decide. The employer may prescribe additional or desirable qualification. It is the employer who is the best suited to decide the requirements a candidate most possess according to the needs of the employer and the nature of work. This Court cannot lay down conditions of eligibility, much less that can it deal

with the issue of whether the desirable qualifications is on par with the prescribed other qualification. This would amount to re-writing the advertisement by the Court which is not permissible. It is further held that the question of equivalence/non-equivalence will also fall outside the domain of the Court.

12. There cannot be any dispute about the above referred proposition/principle of law. However, once the petitioners sought opinion about the equivalence and on receiving such opinion, if the Expert Committee categorically held that the qualification possessed by the respondent is more suitable and the same is within the scope of General Chemistry, the petitioners cannot ignore such opinion without recording any reason for disagreement.

13. It could be seen from the letter dated 15.07.2021 that there is no reason mentioned as to why such an opinion was not agreeable to the petitioners.

14. In the circumstances, since by accepting the expert opinion about the equivalence the Tribunal has allowed the original application of the respondent, we do not find any reason to interfere with the findings/observations recorded by the Tribunal.

15. Accordingly, the writ petition suffers from merit and it is therefore dismissed. No order as to costs.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

Andurkar.