



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

129+257

CWP-1868-2024 (O&M)

Date of Decision: 10.09.2025

UNION OF INDIA AND OTHERS

...Petitioners

Versus

PARVESH KUMAR AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Ravinder Pal Singh, Senior Panel Counsel,
for the petitioners. (Through V.C.)

Mr. Pardeep Solath, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 12.05.2023 (Annexure P-3) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which the petitioners have been directed to appoint respondent No.1 as Postal Assistant, if he fulfils other formalities of medical fitness etc., along with consequential benefit of senior, notional pay fixation etc, except back wages, which is incorrect.

2. Learned counsel for the petitioners argues that the benefit of appointment at the post of Postal Assistant which has been granted to respondent No.1 by the Tribunal is without appreciating the fact that the qualification possessed by respondent No.1 is not the one which was required instead was higher. Learned counsel for the petitioners submits that



merely on the basis of higher qualification, respondent No.1 could not have been treated eligible for the post of Postal Assistant and that too, by placing reliance upon upon the decision of the Tribunal in OA No.060/126/2015, titled as ***Manish vs. Union of India and others***, decided on 10.03.2016, which was upheld by the this Court.

3. Learned counsel for respondent No.1 submits that once the qualification possessed i.e. Bachelor of Arts & Master Degree (History) by respondent No.1 is higher in the same field, the benefit of the same should have been granted to respondent No.1 by the petitioners themselves, but after appreciating the fact and the law, the Tribunal declared respondent No.1 eligible hence, the order dated 12.05.2023 of the Tribunal may kindly be upheld and the writ petition may kindly be dismissed.

4. We have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

5. The issue whether a candidate with higher qualification is to be treated as eligible or not, has already been settled by the Hon'ble Supreme Court of India in Civil Appeal No.10389 of 2024, titled as **Chandra Shekhar Singh and others vs. The State of Jharkhand and others**, decided on 20.03.2025, wherein it has been held that the candidate, who is in possession a higher degree of qualification cannot be rejected solely because of lower degree of qualification is required for a particular post. The relevant paras 31 and 32 of the said judgment are as under:-

“31. We feel that there is no ambiguity whatsoever in the FSS 2011 Rules or the subject advertisement



which can exclude the Master's degree in subjects referred to in the preceding part of the Rule 2.1.3 of the FSS 2011 Rules (supra), other than Chemistry, as being a valid qualification. The special reference to the Master's degree is given in the said Rule, only for those who have acquired their degree course in Chemistry subject, for whom, the minimum qualifying criterion will be a Master's degree in Chemistry. However, so far as the other subjects are concerned, a person having any degree, be it graduation or post-graduation, would be equally qualified for the post in question.

32. Reading the language of the statutory provision in a literal sense and applying the golden rule of interpretation, this is the only logical and permissible interpretation. Hence, we have no hesitation in concluding that if a candidate, having undertaken a degree course in "Chemistry" subject, desires to apply for the post of FSO, he must possess a master's degree in that subject. However, if a candidate has taken college education in the subjects of food technology; dairy technology; biotechnology; oil technology; agricultural science; veterinary science; biochemistry or microbiology, then such a candidate would be qualified for the FSO post, if he holds any one of the degrees, i.e., either graduation, post-graduation or doctorate degree in any of these subjects. There is no logic or rationale behind excluding the candidates having master's or a doctorate degree in these subjects from staking a claim to the post of FSO because such an interpretation would be totally unjust, arbitrary and unconstitutional."

6. Further, the similar question arose before this Court in CWP-



3314 of 2022, titled as *Avaneet Kumar vs. Haryana State Selection Commission and another*, decided on 06.03.2024, wherein also, keeping in view the settled law in Civil Appeal No.1318-1322 of 2021, titled as *Puneet Sharma vs. Himachal Pradesh State Electricity Board Ltd.*, decided on 07.04.2021, it was held that the candidates higher in qualification in the same line, as the essential qualification required for a post are to be treated as eligible for the said post.

7. The settled proposition of law noticed hereinbefore has not been rebutted by the learned counsel for the petitioners so as to press for the prayer raised in the present writ petition qua the order passed by the Tribunal.

8. Keeping in view the above, the order dated 12.05.2023 passed by the Tribunal, in the facts and circumstances of the present case, is in accordance with the settled principle of law noticed hereinbefore and hence, no interference at the hands of this Court is called for.

9. The writ petition is dismissed.

10. Pending application, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 10, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No