



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

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Date of decision: 26.08.2025

1. CWP-14254-2022 (O&M)

Nipun Syal and others

....Petitioners

Versus

State of Punjab and others

....Respondents

2. CWP-15639-2022 (O&M)

Ankur Kumar Choudhari and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Arora, Advocate
with Mr. Jugam Arora, Advocate
for the petitioner(s) in both the cases.

Mr. T.P.S. Walia, AAG, Punjab
for respondents No.1 and 2 in CWP-14254-2022
and for the respondents in CWP-15639-2022.

Mr. Sanjeev Soni, Advocate
with Mr. Sarthak Soni, Advocate
for respondent No.3 in CWP-14254-2022.

Mr. G.S. Thind, Advocate for respondent No.4
in CWP-14254-2022.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CWP Nos.14254 and 15639 of 2022, as they arise out of a similar factual matrix and involve adjudication of common questions of law. However, for the sake of brevity, facts are taken from CWP-14254-2022.



2. The present writ petition is preferred under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of *mandamus*, directing the respondents to consider the candidature of the petitioners for selection and appointment to the posts for Building Inspector(Technical) with the Department of Local Government, in view of their equal or higher academic qualifications as against the condition put forth in advertisement No.202245 to 202246 dated 17.06.2022.

FACTUAL BACKGROUND

3. Briefly, the facts are that respondent No.2-Punjab Public Service Commission(PPSC) issued advertisement No.202245 to 202246 dated 17.06.2022 (Annexure P-1) for a total of 157 posts for Building Inspector (Technical) with respondent-Department. Clause 4 of the said advertisement laid down essential qualifications for application to the said post i.e.- (i) Diploma in Architecture/Architecture Assistantship or higher, and (ii) Matric Level Punjabi.

4. Only online applications were allowed by the respondent-PPSC. However, the petitioners were unable to fill the online application as it was mandatory to check the Diploma in Architecture/Architecture Assistantship qualification and there was no provision for entering any higher qualifications. Claiming that they had identical or high qualification in the field of Civil Engineering, the petitioners moved a representation dated 27.06.2022 (Annexure P-5), however, to no avail. Hence, the present petition.



CONTENTIONS

5. Learned counsel for the petitioners, *inter alia*, contends that while the advertisement (Annexure P-1) issued by the respondent-PPSC listed diploma in Architecture as an essential qualification to be considered for the post of Building Inspector(Technical), the petitioners have diplomas and/or degrees in Civil Engineering (Annexure P-2 to P-4) which makes them eligible to be considered for the said post as well. Both of the said qualifications pertain to a similar field/trade or specialisation. Learned counsel further refers to the judgment passed by the Coordinate bench of this Court in **CWP No.15308 of 2010**, titled as ***Navjiwan vs. State of Punjab and others***, decided on **20.05.2014** (Annexure P-8) and submits that in a similar controversy, this Court has directed Director, Punjab Engineering College, Chandigarh to ascertain whether the degrees and diplomas in Civil Engineering as equivalent to three-year diploma in Architecture with respect to the post of Junior Draftsman (Mechanical). Accordingly, a three-member expert committee was constituted which presented a report (Annexure P-7) stating that “*three years diploma in Architectural Assistantship and three years Diploma in Civil Engineering can be considered as higher qualification of the similar field/trade or specialization as that of the certificate in Civil/Mechanical Draftsman.*” Moreover, the aforesaid report also states that the entire syllabus of Diploma in Architecture Assistantship is also being taught in Diploma in Civil Engineering. As such, the act and conduct of the respondents in excluding the petitioners



from participating in the recruitment process is contrary to the constitutional scheme under Articles 14 and 16 of the Constitution of India.

6. Furthermore, this Court, while issuing notice of motion on 07.07.2022, had permitted the petitioners to participate in the selection process being *prima facie* satisfied with the arguments raised by learned counsel for the petitioners. Moreover, as discernible from the replies filed by them, the respondents failed to controvert the specific stand taken by the petitioners regarding equivalence of their educational qualifications.

7. Learned counsel further submits that the post of Building Inspector(Technical) was created by the Punjab Municipal Corporation Service (Recruitment and Condition of Service) (Amendment) Rules, 2015 (in short 'the Rules of 2015'), notified on 06.01.2015, for the first time. Appendix 'B' of the Rules of 2015 provided that a candidate seeking direct recruitment must have a Diploma in Architecture while those who are promoted to this rank are required to possess a Diploma in Architecture or Diploma in Civil Engineering along with an experience of 03 years. Since the Rules of 2015, even after the notification dated 26.10.2015, equates Diploma in Civil Engineering with a Diploma in Architecture for the post of Building Inspector(Technical), the same ought to be honoured with respect to recruitment initiated by advertisement dated 17.06.2022(Annexure P-1).The respondents cannot adopt a different yardsticks for the direct



recruitment by excluding the petitioners, despite the fact that they have diplomas and degrees in Civil Engineering.

8.1 Learned counsel for the petitioners has relied upon the judgment of Hon'ble Supreme Court in ***Chandra Shekhar Singh and others vs. The State of Jharkhand and others, 2025 SCC Online SC 595***, wherein, speaking through Justice Sandeep Mehta, the following was held:

“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.

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35. Resultantly, the appeal is allowed in the following manner: -

- i. The impugned judgments rendered by the Division Bench and the Single Bench, holding that the appellants were not qualified for the post of FSO, are quashed and set aside.
- ii. The prayer made by the appellants to appear in the interview under the Advertisement No. 18 of 2023 dated 15th June, 2023 issued by JPSC, cannot be acceded to as they did not apply under this advertisement.



iii. In order to do complete justice, and in case vacancies do not exist in the recruitment process 2016, then the respondents shall create supernumerary posts to accommodate the appellants who shall be allowed to partake in the recruitment process from the stage they were disqualified, i.e., from the interview stage. In case after undergoing interviews, the appellants succeed and are placed at par or higher in merit as compared to the last successful candidate in the particular category, they shall be offered appointment which shall be effective from the date of publication of the first select list in the recruitment process 2016. We further clarify that since the selected candidates were never impleaded and heard in the proceedings before the High Court or in this Court, appropriate direction has to be given to ensure that their seniority position is not disturbed at this belated stage. It is, therefore, provided that the successful candidates from amongst the appellants shall be placed below the last candidate selected and appointed in the subject selection process.

iv. It is further clarified that in case the appellants succeed and are offered appointment, they shall not be entitled to back wages. However, they shall be entitled to all service benefits on a notional basis.”(emphasis added)

8.2. He further relies upon the judgment rendered by a Full Bench of this Court in ***Manjit Singh vs. State of Punjab and others, 2010(3) SCT 703***, wherein speaking through Justice Permod Kohli, the following was opined:

“25. Arguing on the same line Mr.Khosla has strenuously argued that the persons possessing any qualification other than C.P.Ed are not eligible. With a view to appreciate the applicability of the aforesaid judgment, it is deemed appropriate to examine the rule position as prescribed under 1955 rules for the post of P.T.I. From the rule noticed in earlier part of this judgment, it appears that educational qualification like matric or 10+2 is not prescribed therein. Though in the advertisement, Senior Secondary Certificate or Intermediate or its equivalent basic qualification is an essential component for the post. Similarly, for professional qualifications, certificate in



Physical Education C.P.Ed of a duration of not less than two years or its equivalent is prescribed. However, by virtue of the corrigendum dated 24.10.2006, even a candidate with one year duration course of C.P.Ed is made eligible for recruitment in question. Similarly, in the rule, no equivalent qualification of C.P.Ed is referred to, though in the advertisement C.P.Ed or its equivalent qualification is also recognised as professional qualification. It cannot be ignored that the qualification prescribed under the rule and the advertisement is always the minimum qualification. It is not for us to identify any course which can be termed as equivalent to C.P.Ed course. At the same time, the curriculum of B.P.Ed and other higher courses, if include almost all the components of curriculum of C.P.Ed should not be construed to be a totally different and distinct qualification. In the case of Multan (supra), a Division Bench of this Court has clearly observed that D.P.Ed, B.P.Edc and M.P.Ed are higher qualifications in the same line. From the curriculum of courses like C.P.Ed, B.P.Ed, D.P.Ed, it is found that almost all components of C.P.Ed course of one year or two years are taught in D.P.Ed course in almost all the Universities in the States of Punjab and Haryana. In sum and substance, the controversy revolves around the curriculum of two types of courses, one prescribed in the advertisement i.e. C.P.Ed and higher courses acquired by the petitioners. On facts, we are of the considered opinion that the curriculum of B.P.Ed, B.P.E, D.P.Ed includes the curriculum prescribed for C.P.Ed in major universities in the States of Punjab and Haryana. Higher qualifications being in the same subject and line cannot be ignored and candidates possessing higher qualification cannot be denied consideration for selection.

26. The distinction sought to be created to deny eligibility is arbitrary and illusory. It goes without saying that the higher qualification provides better knowledge, better sense and in sight and equip the person with better understanding of the issues and problems. It cannot be a "bane" but has to be a "boon". The Hon'ble Supreme Court in the case of **Mohd. Riazul Usman Gani and others v. District & Sessions Judge, Nagpur, 2000(2) S.C.T. 10 : (2000) 2 SCC 606** had the occasion to consider whether the higher qualification than 8th standard prescribed for the post of Peon renders a candidate ineligible. Examining the issue, it is observed as under :-



"21.A criterion which has the effect of denying a candidate his right to be considered for the post on the principle that he is having higher qualification than prescribed cannot be rational. We have not been able to appreciate as to why those candidates who possessed qualifications equivalent to SSC Examination could also not be considered. We are saying this on the facts of the case in hand and should not be understood as laying down a rule of universal application."

9. *Per contra*, learned State counsel as well as learned counsel for respondent No.2-PPSC, submit that the petitioners cannot seek parity or equivalence of diploma/degree of Civil Engineering with the diploma in Architecture as the former has one subject referring to Architecture while the latter is entirely dedicated to it. Further, the Building Inspector (Technical) is a field post, which requires expertise in Architecture. Learned State counsel has relies upon the judgment rendered by the Hon'ble Supreme Court in ***Jomon K.K. vs Shajimon P. And others, 2025 SCC Online SC 711***, wherein speaking through Justice Dipankar Datta, the following was held:

*"26. Mr. Nair is also right in referring to us the decision in M. Tripura Sundari Devi (supra). Although in such decision it was held that it amounts to a fraud on public to appoint candidates with qualifications inferior to the qualifications advertised, which is not precisely the case here because the appellant has higher qualifications than what was required, yet, the other principle of law flowing from such decision is squarely applicable. It has neither been shown that the Director's letter dated 9th October, 2012 was given wide publicity nor has it been shown by the appellant that KPSC had issued any corrigendum vide public notice whereby the zone of consideration was enlarged permitting holders of a Syrang's licence to participate in the process. **We, thus, hold drawing inspiration from the said decision that the aggrieved are all those who had similar or even better qualifications***



than the appellant but who had not applied for the post because they were unaware of the fact that persons not having a current Lascar's licence would also be eligible to apply and compete in the process. Equality of opportunity in matters of public employment being a sine qua non for a fair and transparent selection process, such equality is conspicuously absent in the present case.

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36. We hasten to add that whether or not the action of the employer to exclude an aspirant from the process of selection (on the ground that either he is over qualified for a particular post or has qualifications which, being over and above what is ordained by statutory rules or rules framed under the proviso to Rule 309 of the Constitution, does not match the qualification specifically required) is justified has to be decided considering the rules governing the selection, the qualifications prescribed, the nature of duty to be performed, the nature of service to be rendered and a host of other factors. It has to be remembered that, at times, the employer's need to have the right people at the right place, and not always the higher qualified, has to be conceded. We know of decisions holding that over-qualification cannot be a disqualification since such an approach amounts to discouraging the acquisition of qualifications on the one hand and on the other, such an approach could be seen as arbitrary, discriminatory and not in national interest. However, this principle cannot be put in a straitjacket imposing rigid or inflexible rules or norms. Lack of public employment opportunities in sufficient numbers may force even a Master degree holder to apply for the job of a peon but, if he is appointed upon his application being favourably considered, what happens to the aspirants who have not had the means of pursuing study beyond the 12th standard? Do they remain unemployed for ever, if all or majority of the posts of peon are filled up by such degree holders? What happens if the Master degree holder, in pursuit of greener pastures, leaves the post of Peon for a better and secured higher job commensurate with his qualifications after a couple of years? Does it not, in such a case, burden the public exchequer by requiring the employer to initiate a fresh selection process? Is not the State, as a model employer, obliged to ensure that the posts of peon are filled up only by those having the basic qualification, and not by over qualified candidates, for sub-serving the common good? Does not the State have the obligation to strive to ensure



that all citizens have adequate means of livelihood? These are questions which no Court can afford to ignore. We end by saying that each case that comes before the Court has to be decided on its own peculiar facts and the problem that it presents for resolution and that there can be no universally accepted rule that every time, a higher qualified candidate is to be preferred to a candidate who matches the essential qualification required for the post.”

10.1. Further, learned counsel for respondent No.3 has relied upon the judgment of Hon’ble Supreme Court in ***Sajid Khan vs. L. Rahmatullah and others***, 2025 SCC Online SC 376, wherein, speaking through P.S. Narasimha, the following was observed:

*“21. Though there a number of decisions on this very principle, (10) we will conclude with a recent decision of this Court in **Union of India v. Uzair Imran**, 2023 SCC Online SC 1308. emphasizing the restraint a court must exercise while determining equivalence between qualifications. The relevant portion is as under:*

*[(10) **Mohd Shujat Ali v. Union of India**, (1975) 3 SCC 76; **Dr. B.L. Asawa v. State of Rajasthan**, 1982 (2) SCC 55; **Zahoor Ahmad Rather v. Sheikh Imtiyaz Ahmad**, (2019) 2 SCC 404.]*

*"14. Normally, it is not the function of the court to determine equivalence of two qualifications and/or to scrutinise a particular certificate and say, on the basis of its appreciation thereof, that the holder thereof satisfies the eligibility criteria and, thus, is qualified for appointment. It is entirely the prerogative of the employer, after applications are received from interested candidates or names of registered candidates are sponsored by the Employment Exchanges for public employment, to decide whether any such candidate intending to participate in the selection process is eligible in terms of the statutorily prescribed rules for appointment and also as to whether he ought to be allowed to enter the zone of consideration, i.e., to participate in the selection process. **It is only when evidence of a sterling quality is produced before the court which, without much argument or deep scrutiny, tilts the balance in favour of one party that the court could decide either way based on acceptance of such evidence.**"*
(emphasis added)



10.2. He has also relied upon the judgment of Hon'ble Supreme Court in ***Shifana P.S. vs. The State of Kerala and others, 2024 SCC Online SC 1884***. Speaking through Justice Sandeep Mehta, the following was held therein:

“13. Indisputably, the qualifying criteria prescribed for the post advertised vide notification dated 30th April, 2008 was a degree in B.Sc(Chemistry). Admittedly, the appellant does not hold such a degree. It is the case of the appellant that B.Sc(Polymer Chemistry) degree acquired by her is required to be treated as equivalent to a degree in B.Sc(Chemistry). However, the said argument does not hold water and is misconceived.

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15. In Unnikrishnan CV and Others v. Union of India and Others 2023 SCC OnLine SC 343, a three Judge Bench of this Court, while relying upon the earlier judgment in the case of Guru Nanak Dev University v. Sanjay Kumar Katwal and Another (2009) 1 SCC 610 held that equivalence is a technical academic matter, it cannot be implied or assumed. Any decision of the academic body of the University relating to equivalence should be by specific order or resolution, duly published.”

10.3. Further reliance is placed on the judgment of the Hon'ble Supreme Court in ***Unnikrishnan CV and others vs. Union of India and others, 2023 SCC Online SC 343***, wherein, speaking through Justice Aravind Kumar, the following was concluded:

“5. In this background, the qualification as prescribed in column No. 11 of GREF Rules, 1982 when perused, would indicate that candidate who is seeking promotion to the post of Superintendent BR Grade-I has to possess "Diploma in Civil Engineering" with 5 years regular service in the grade of General Reserve Engineering Force. Whereas appellants are possessing Diploma in Draughtsman Estimating and Design (DED), which fact is not seriously disputed by them. Mr. Tapas Das, learned



counsel appearing for the appellants has fairly conceded before this Court that an erroneous proposition was put forth before the High Court, namely, it was contended that Diploma is equivalent to a Degree and as such negating said contention, the High Court though justified its conclusion had erred in ignoring the consistent stand that had been taken by the Appellants, namely, Diploma in DED possessed by them is that of 2 years course and though column 11 prescribes Diploma in Civil Engineering for being promoted as Superintendent BR-Grade-I is to be treated as equivalent and this aspect was required to be considered by the High Court is an argument which looks attractive at first blush. However, on a careful perusal of the extant Rules as applicable for promotion to the post of Superintendent BR Grade-II, said contention has to be necessarily rejected for reasons more than one. Firstly, before the High Court appellants attempted to justify their claim contending "Diploma" is equivalent to a "Degree" and as such being entitled for promotion which has been negated by the High Court and rightly so. Secondly, appellants tried to justify their claim contending rule as applicable for direct recruitment would be applicable for recruitment by promotion, which has not been accepted by the High Court. In so far as the contention regarding qualification for promotion, the rule itself is explicit and clear, namely, it prescribes for promotion to Superintendent BR Grade-I only, those candidates possessing Diploma in Civil Engineering with 5 years regular service in the grade in General Reserve Engineering Force would be eligible. No doubt, said rule is silent with regard to Diploma in Civil Engineering being either 3 years or otherwise. It is an undisputed fact that appellants possess 'Diploma in DED' and not 'Diploma in Civil Engineering'. It is trite law that courts would not prescribe the qualification and/or declare the equivalency of a course. Until and unless rule itself prescribes the equivalency namely, different courses being treated alike, the courts would not supplement its views or substitute its views to that of expert bodies."

10.4. Lastly, learned counsel for respondent No.3 has relies upon the judgment of the Hon'ble Supreme Court in ***Zahoor Ahmad Rather and others vs. Sheikh Imtiyaz Ahmad and others, (2019) 2 SCC 404.***

Speaking through Justice D.Y. Chandrachud, the following was held:



“22. We are in respectful agreement with the interpretation which has been placed on the judgment in Jyoti KK in the subsequent decision in Anita (supra). The decision in Jyoti KK turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily pre-supposes the acquisition of another, albeit lower, qualification. The prescription of qualifications for a post is a matter of recruitment policy. The state as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the state, as the recruiting authority, to determine. The decision in Jyoti KK turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification. The absence of such a rule in the present case makes a crucial difference to the ultimate outcome. In this view of the matter, the Division Bench of the High Court was justified in reversing the judgment of the learned Single Judge and in coming to the conclusion that the appellants did not meet the prescribed qualifications. We find no error in the decision of the Division Bench.

23. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The state is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision making. The state as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in Jyoti KK must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It



was in the context of specific rule that the decision in Jyoti KK turned.”

OBSERVATIONS AND ANALYSIS

11. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the issue involved in the present writ petition draws its genesis from the advertisement No.202245 to 202246 dated 17.06.2022 (Annexure P-1) whereby applications were invited for recruitment to the post of Building Inspector (Technical). The qualifications for the said post, as mentioned in Clause 4 of the advertisement (supra), are reproduced below:

“4. ESSENTIAL QUALIFICATIONS

4.1 Diploma in Architecture/Architecture Assistantship from the State Board of Technical Education Punjab or from any other recognized institution.

OR

Higher Qualification in the relevant field from recognized institution

4.2 Should have passed Punjabi of Matric or its equivalent Standard.

Provided further that where a ward of Defence Service Personnel, who is a bonafide resident of Punjab State, is appointed by direct appointment, he shall have to pass an examination of Punjabi Language equivalent to Matriculation Standard or he shall have to qualify a test conducted by the Language Wing of the Department of Education of Punjab Government within a period of two years from the date of his appointment. Provided further that where a War Hero, who has been discharged from defence services or paramilitary forces on account of disability suffered by him or his widow or dependent member of his family, is appointed under the instructions



issued in this behalf by the Government, the person so appointed will not be required to possess afore said knowledge of Punjabi language:

IMPORTANT NOTE: The candidates MUST possess the requisite qualification before or by 08/07/2022.”

12. Admittedly, the petitioners do not possess a Diploma in Architecture/Architecture Assistantship, however, they do possess degree/diploma in Civil Engineering. It is the case of the petitioners that they are entitled to apply to the post of Building Inspector (Technical) as they have studied architecture as a subject during their respective courses and have acquired the requisite knowledge of the subject. It is further stated that they cannot be left out of the recruitment process in view of the Rules of 2015. The entire thrust of the arguments raised by learned counsel for the petitioners is that the diploma/degree in Civil Engineering, which includes the subject of architecture, is equivalent to the Diploma in Architecture/Architecture Assistantship, and as such the petitioners ought to be allowed to be considered for recruitment to the post of Building Inspector(Technical).

13. It is no longer *res integra* that this Court, while exercising its powers under Article 226 of the Constitution of India, cannot act as a domain expert and render a finding with respect to equivalence of the prescribed academic qualifications with others. While the petitioners claim to be competent to perform the duties of a Building Inspector (Technical) by virtue of their diploma/degree in Civil Engineering,



Clause 4(1) of the advertisement (Annexure P-1) categorically calls for a Diploma in Architecture/Architecture Assistantship. In order to comment on their alike nature, this Court would have to dawn the robes of a domain expert, which is expressly proscribed by a catena of judgments rendered by the Hon'ble Supreme Court.

14.1 Further still, the advertisement (supra) does not leave any room for ambiguity regarding the eligibility criterion for the post of Building Inspector (Technical). It would be erroneous on part of this Court to consider the nature and scope of the subject of Architecture in the Diploma/Degree course of Civil Engineering as the qualification prescribed under Clause 4.1 of the advertisement (supra) is not merely directory but is mandatory in nature. Reliance in this regard may be placed on the judgment rendered by a two-Judge bench of the Hon'ble Supreme Court in ***Ganpath Singh Gangaram Sing Rajput vs. Gulbarga University (2014) 3 SCC 676***, wherein speaking through Justice C.K. Prasad, the following was observed:

“21. ...As is evident from the advertisement, applications were invited for filling up various posts in different subjects including the post of Lecturer in MCA. The advertisement requires post-graduate degree in the 'relevant subject'. The relevant subject would, therefore, in the context of appointment to the post of Lecturer, mean postgraduate degree in MCA. In our opinion, for appointment to the post of Lecturer, Masters' degree in the Mathematics is not the relevant subject. **The advertisement requires Masters' degree in 'relevant subject' and not 'appropriate subject'. In the present case, the Board of appointment has not stated that post-graduate degree in Mathematics is the relevant subject for MCA but in sum and substance it is equivalent to a post-graduate degree in MCA for the reason that**



Mathematics is one of the subjects taught in MCA. This, in our opinion, was beyond the power of the Board of appointment.

22. It shall not make any difference even if Mathematics is taught in the Masters' of Computer Application course. **The learned Single Judge, in our opinion, gravely erred in upholding the contention of Ganpat and the University that 'relevant subject' would mean 'such of those subjects as are offered in the MCA course'.** If Mathematics is taught in a post-graduate course in Commerce, a Masters' degree in Commerce would not be relevant for appointment in Mathematics or for that matter in MCA. There may be a situation in which Masters' degree in MCA is differently christened and such a degree may be considered relevant but it would be too much to say that a candidate having postgraduate degree in any of the subjects taught in MCA would make the holders of a Masters' degree in those subjects as holder of Masters' degree in Computer Application and, therefore, eligible for appointment. **The language of the advertisement is clear and explicit and does not admit any ambiguity and, hence, it has to be given effect to.** Since the appellant Ganpat did not have a Masters' degree in Computer Application, in our opinion, he was not entitled to be considered for appointment as Lecturer in MCA. We are aghast to see that when a candidate possessing Masters' degree in MCA is available, the Board of appointment had chosen an unqualified and ineligible person for appointment in that subject. Its recommendations are, therefore, illegal and invalid. Natural corollary thereof is that the University acting on such recommendation and appointing Ganpat as Lecturer cannot be allowed to do so and that the Division Bench of the High Court was right in setting aside his appointment. In our opinion, an unqualified person cannot be appointed, whoever may be the recommendee. We are of the opinion that the Division Bench of the High Court was right in holding that Ganpat was not eligible for appointment of Lecturer in Masters' of Computer Application."

14.2. Further, a two-Judge bench of the Hon'ble Supreme Court in ***Devender Bhaskar and others vs. State of Haryana and others 2022 (1) SCT51***, has opined that the Courts cannot expand the ambit of the



prescribed qualifications, nor can they decide on matters pertaining to equivalence of academic qualifications. Speaking through Justice S. Abdul Nazeer, the following was observed:

“21. In Mohammad Shujat Ali & Ors. v. Union of India & Ors (1975) 3 SCC 76, it was held that the question regarding equivalence of educational qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards and practical attainments of such qualifications. It was further held that where the decision of the Government is based on the recommendation of an expert body, then the Court, uninformed of relevant data and unaided by technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government unless it is based on extraneous or irrelevant considerations or actuated mala fides or is irrational and perverse or manifestly wrong.

22. In J. Ranga Swamy v. Government of Andhra Pradesh and Others, (1990) 1 SCC 288 this Court held that it is not for the court to consider the relevance of qualification prescribed for various posts.

23. In State of Rajasthan & Ors. v. Lata Arun, (2002) 6 SCC 252 this Court held that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It was held thus:

"13. From the ratio of the decisions noted above, it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority."

24. In Guru Nanak Dev University v. Sanjay Kumar Katwal & Anr., (2009) 1 SCC 610 this Court has reiterated that equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. Dealing specifically with whether a distance education course was equivalent to the degree of MA (English) of the appellant



university therein, the Court held that no material had been produced before it to show that the distance education course had been recognized as such.

*25. In **Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors. (2019) 2 SCC 404**, it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. **Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine.***” (emphasis added)

14.3. Additionally, as far as the reliance on the judgment rendered by the Full Bench of this Court **Manjit Singh(supra)** is concerned, the same is unfounded as it pertains to the issue of a candidate possessing higher qualification than what was prescribed.

15. However, considering that these courses have distinct nomenclature, there must be some difference in the nature of their respective syllabi. As such, only an expert in his/her field can truly and correctly draw equivalence between two degrees as they would possess the requisite knowledge to take the said decision. Furthermore, the essential qualifications that will allow a candidate to discharge duties of a Building Inspector (Technical) would fall in the exclusive domain of the employer as they are well versed with the nature of the job. Clearly, it would be beyond the scope of jurisdiction of this Court under Article 226 of the Constitution of India, to declare equivalence of Diploma in



Architecture/Architecture Assistantship with Diploma/Degree in Civil Engineering, especially in absence of any Rules in this regard.

CONCLUSION

16. In view of the discussion above, this Court does not find it justifiable to exercise its inherent jurisdiction under Article 226 of the Constitution of India in the present case. The question of equivalence may only be answered by an expert, which could be the employer itself or the relevant Commission. Accordingly, the present petitions are dismissed.

17. Pending miscellaneous application(s), if any, shall also stand disposed of.

18. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

26.08.2025
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No