

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

107

CWP-22410-2016 (O&M)

Date of Decision : November 10, 2025

SUBHASH GUPTA

-PETITIONER

V/S

STATE OF PUNJAB AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Livleen Brar, Advocate, for
Mr. Anil Mehta, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the present writ petition, the petitioner seeks issuance of appropriate directions to the respondents to appoint him to the post of Junior Engineer (Electrical), along with all consequential benefits, including fixation of seniority from the date of appointment of other similarly situated candidates.

2. In support of his claim for appointment, the petitioner contends that he has successfully completed the Electrical Mechanician (Power/Weapon) Qualifying Course in the Electrical Engineering Training Establishment of the Indian Navy, INS VALSURA, during the period from 22.03.1999 to 10.02.2001. It is his assertion that the said course has been recognized by the Ministry of Human Resource Development, vide Notification dated 17.05.1989, as being equivalent to a Diploma in Electrical Engineering from a recognized Indian Polytechnic. On this basis, the petitioner asserts entitlement to the relief sought.

3. Succinctly stated, the Public Welfare Department (Building and Roads Branch) had issued an advertisement inviting applications for the posts

of Junior Engineer (Civil), Junior Engineer (Electrical), and Junior Engineer (Horticulture). Pursuant to the said advertisement, the petitioner applied for the post of Junior Engineer (Electrical). He appeared in the written examination and secured 60 marks but was not offered appointment. According to the respondents, his candidature was rejected on the ground that he did not possess the prescribed educational qualification.

4. A perusal of the advertisement reveals that the essential educational qualification prescribed for the post of Junior Engineer (Electrical) was “***Diploma in Electrical Engineering of a recognized Institution.***” The record vividly indicates that the petitioner does not possess this prescribed educational qualification, but instead holds an equivalent qualification, as pleaded. The advertisement, however, does not stipulate that candidates possessing equivalent qualifications would be considered eligible for selection. The relevant portion of the advertisement is extracted hereunder:-

“2. The educational qualifications/experience and pay scale is as follows:-

<i>Post</i>	<i>Educational qualification</i>	<i>Pay scale</i>
<i>XX</i>	<i>XX</i>	<i>XX</i>
<i>Junior Engineer (Electrical)</i>	<i>Should possess Diploma in Electrical Engineering of a recognized institution.</i>	<i>10300-34800+4800 (Grade Pay)</i>
<i>XX</i>	<i>XX</i>	<i>XX</i>

5. It is open neither for a candidate to assume that the qualification possessed by him/her is equivalent, nor for the employer to change the requirements midstream during the ongoing selection process or accept any qualification other than the one notified since it would amount to denial of opportunity to those who possess the qualification but had not applied as it was not notified. This view gathers strength from the verdict dated 08.08.2019, drawn by the Hon’ble Supreme Court in “***Zonal Manager, Bank of India,***

***Zonal Office, Kochi & Ors. Vs. Aarya K. Babu & Anr.*, 2019 (4) SCT 54.**

The relevant paragraph of the said verdict is extracted hereunder:-

“13. Though we have taken note of the said contention we are unable to accept the same. We are of such opinion in view of the well-established position that it is not for the Court to read into or assume and thereby include certain qualifications which have not been included in the Notification by the employer. Further the rules as referred to by the learned counsel for the respondents is pointed out to be a rule for promotion of officers. That apart, even if the qualification prescribed in the advertisement was contrary to the qualification provided under the recruitment rules, it would have been open for the candidate concerned to challenge the Notification alleging denial of opportunity. On the other hand, having taken note of the specific qualification prescribed in the Notification it would not be open for a candidate to assume that the qualification possessed by such candidate is equivalent and thereby seek consideration for appointment nor will it even be open for the employer to change the requirements midstream during the ongoing selection process or accept any qualification other than the one notified since it would amount to denial of opportunity to those who possess the qualification but had not applied as it was not notified.”

6. Furthermore, the Hon’ble Supreme Court, in its verdict dated 06.08.2024, Civil Appeal No(s).4468 of 2013, titled ***“Shifana P.S. Vs. The State of Kerala and Ors.”***, has held that equivalence of a qualification is not a matter that can be determined in the 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 apposite observations read as under:-

“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.

*14. This Court in the case of **Zahoor Ahmad Rather and Others v. Sheikh Imtiyaz Ahmad and Others**, (2019) 2 SCC 404, held that judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Therefore, the equivalence of a qualification is not a matter that can be determined in the 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. (emphasis supplied)*

*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.”*

7. On the previous date of hearing, i.e. 17.10.2025, this Court passed the following order:

“The petitioner, by instituting the instant writ petition, under Articles 226/227 of the Constitution of India, prays for a Mandamus upon the respondents to appoint him on the post of Junior Engineer (Electrical), along with all consequential benefits, at par with other similarly situated persons.

In nutshell, the respondent department had initiated a recruitment process for selection of various post, including the post referred to above, for which, the following qualification was prescribed:-

“Should possess Diploma in Electrical Engineering of a recognized institution.”

As per the stand set out by the respondents, eventually, the claim of the petitioner was rejected, as the qualification possessed by him did not meet the required qualification criteria. In terms of

the advertisement, the requisite qualification for the post in question was, a three years diploma from a recognized institution with the State of Punjab. However, as specifically observed in Annexure R-1, the petitioner pursued a qualifying course of Electrical Mechanician, with duration of two years only, and that too, from Electrical Engineering Training of the Indian Navy, which is not included in the list of approved three years diploma course.

Upon being pointedly asked to show, as to whether the diploma course possessed by the petitioner is from a recognized Institution of the State of Punjab, as required in the advertisement, she is unable to satisfy this Court. She prays for a short accommodation to bring on record additional documents, if any, to substantiate the claim of the petitioner.

The asked for request is accepted.

Adjourned to 10.11.2025.

To be shown in the urgent list.

It is made clear that, on the subsequent date of hearing, no request for adjournment would be entertained on behalf of either side.”

8. Even today, learned counsel for the petitioner has been unable to establish that the diploma course possessed by the petitioner is in accordance with the advertisement. Moreover, she has been unable to demonstrate, either from the relevant service rules or from the advertisement itself, that a candidate holding an equivalent qualification to the one prescribed in the advertisement is entitled to be considered for selection.

9. In summa, the present writ petition stands **dismissed** as being devoid of merit.

10. Pending application also stands disposed of accordingly.

November 10, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No