



2025:DHC:10823-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 30.10.2025
Pronounced on: 04.12.2025

+ W.P.(C) 1921/2024 & CM APPL. 8079/2024
KENDRIYA VIDYALAYA SANGATHAN & ANR.

.....Petitioners

Through: Mr. Shubhranshu Padhi, Mr.
Ashish Yadav & Mr. D. Girish
Kumar, Advs

versus

BHAIRVI KUMARI AND ORS.

.....Respondents

Through: Mr. Chiranjiv Kumar and Mr.
Mukesh Sachdeva, Advs. for
UOI
Mr. Madhav Bhatia and Ms.
Muskan Aggarwal, Advs. for
R3 & R5

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed by the petitioners, challenging the Order dated 01.11.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2098/2023, titled as ***Bhairvi Kumari & Ors. v. Kendriya Vidyalaya Sangathan & Anr.***, filed by the respondents herein, whereby the learned Tribunal allowed the said O.A. with the following directions:

“8. In view of the foregoing reasons and



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observations, the OA is allowed. The impugned order dated 30.06.2023 is quashed and set aside. The respondents are directed to consider and appoint the applicants to the post of Primary Teacher (Music), if otherwise eligible. They shall also be entitled to all the consequential benefits flowing from this order only on notional basis. The exercise as ordained above shall be completed by the respondents within a period of eight weeks from the date of receipt of a certified copy of this order.”

FACTS OF THE CASE

2. In a nutshell, the background of the case is that the petitioners, *vide* Advertisement No. 15/2022 dated 02.12.2022, invited applications for various posts in the Officers’ Cadres, Teaching and Non-Teaching Posts in Kendriya Vidyalaya Sangathan (KVS), including for the post of Primary Teacher (Music).
3. From 05.12.2022 to 02.01.2023, the portal for submission of online application was opened for candidates, and the last date of submission of online application was 02.01.2023.
4. The eligibility conditions prescribed therein specified that, besides meeting the other criteria, the candidates must have educational qualifications specified in the advertisement as including:

“Essential:

- i) Senior Secondary School Certificate with 50% marks or Intermediate with 50% marks or its equivalent and Bachelor Degree in Music or equivalent from a recognized University*
- ii) Competence to teach through English/Hindi medium.*



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Desirable: Knowledge of Computer Applications.

Note: Candidates who have obtained Diploma in Music are not eligible for the post of PRT (Music).

xxxx

viii): **GENERAL INSTRUCTIONS TO THE CANDIDATES**

(l)KVS may take up the verification of eligibility of the candidate at any point of time prior to or after the completion of the selection process. Even if Admit Card is issued to a candidate due to lack of information in the application form or otherwise and if it is found at any stage (including the date of joining & thereafter) that the candidate is not eligible, then his/her candidature shall be summarily rejected.

xxxx

(q) Qualifications acquired by the candidates should be strictly in accordance with the qualifications prescribed for the post by the KVS. Any candidate seeking to claim equivalence of the qualifications with the notified one will have to furnish documentary evidence in support of his/her claim at the time of interview/selection, otherwise such cases will be rejected. ...”

5. The written examination for the post of Primary Teacher (Music) was conducted on 09.02.2023 on an all India Basis. The respondents, claiming eligibility, appeared in the computer based test. Based on the marks secured by the candidates, certain candidates were shortlisted by the petitioners for interview and the interview for the said post was conducted at the Kolkata center from 01.05.2023 to 04.05.2023. However, the respondents were not permitted to appear for the interview on the ground that they did not



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possess the requisite “*Bachelor Degree in Music or equivalent from a recognized University*”.

6. Aggrieved thereby, the respondents preferred O.A. No. 1682/2023, titled as ***Shravan Kumar & Ors. v. Kendriya Vidyalaya Sangathan & Ors.***, before the learned Tribunal. The said O.A. was disposed of by the learned Tribunal on 06.06.2023, with a direction to the respondents to decide the pending representation of the respondents in a time bound manner.

7. In compliance of the aforesaid Order, the petitioners passed an Order dated 30.06.2023, holding that the respondents did not possess the requisite essential educational qualification to the post of Primary Teacher (Music) as stipulated in the advertisement, and thereby rejected their candidature.

8. Aggrieved by the said order, the Respondents filed O.A. No. 2098/2023 before the learned Tribunal.

9. *Vide* Impugned Order dated 01.11.2023, the learned Tribunal allowed the O.A. with the above quoted directions in favour of the respondents herein.

10. Aggrieved of the Impugned Order, the petitioners have preferred the present petition.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONERS

11. The learned counsel for the petitioners submits that it is a settled principle of law that the employer has the exclusive domain to prescribe and determine the essential qualifications in conducting the



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recruitment process. The same has to be conducted strictly in accordance with the Recruitment Rules and the Advertisement.

12. He further submits that both, the Advertisement and the applicable Recruitment Rules, clearly stipulate that the essential qualification for the post is “Bachelor Degree in Music or an equivalent degree from a recognized University”, which the Respondents do not possess. He further submits that the qualification relied upon by Respondents, namely the “Sangeet Prabhakar” awarded by the Prayag Sangeet Samiti, Allahabad, has not been recognized as equivalent to a “Bachelor Degree in Music” by the KVS (Petitioners), University Grants Commission (hereinafter referred to as ‘UGC’), or by any competent authority.

13. He further submits that merely because the respondents herein have subsequently acquired higher qualifications, the same cannot be presumed to include or substitute the essential minimum qualification prescribed for the said post.

14. He further submits that the marksheets and certificates submitted by the Respondents clearly mention “Junior Diploma” awarded by the Prayag Sangeet Samiti, Allahabad, and not a Bachelor's Degree, which cannot be treated as equivalent to a “Bachelor Degree in Music”. No equivalent certificate from UGC or Central Board of Secondary Education (hereinafter referred to as ‘CBSE’) has been produced by the respondents either before the learned Tribunal or this Court. He submits that the Judgement of the Supreme Court in *State of Bihar v. Bihar Rajya M.S.E.S.K.K. Mahasangh*, (2005) 9 SCC 129, was passed in a completely



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different context and cannot come to the aid of the respondents.

15. The learned counsel for the petitioners submits that the determination of prescribed qualifications or equivalence thereof falls outside the scope of judicial review. In support, he places reliance upon the Judgments of the Supreme Court in **Zahoor Ahmad Rather & Ors. Sheikh Imtiyaz Ahmad & Ors.**, (2019) 2 SCC 404; and **Unnikrishnan C. V. & Ors. v. Union of India & Ors.**, (2023) 18 SCC 546.

SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENT NOS. 3 & 5

16. The learned counsel for the respondents submits that the equivalence of “Sangeet Prabhakar” with a “Bachelor Degree in Music” has been settled by the Judgment of the Supreme Court in **Bihar Rajya M.S.E.S.K.K.** (supra), wherein, one Member Committee under the chairmanship of Hon'ble Mr. Justice S.C. Agrawal (Retd.) was constituted to examine the issue of absorption of teachers holding qualifications from Prayag Sangeet Samiti. The relevant extract from the Commission's report, accepted by the Supreme Court, reads as under:

“For the purpose of considering the minimum qualifications in Music, I would proceed on the basis that degree of ‘Sangeet Praveen’ and Diploma in ‘Sangeet Prabhakar’ are equivalent to Post Graduate qualification in Music and the degree of ‘Sangeet Prabhakar’ and Diploma in ‘Sangeet Visharad’ have to be treated as equivalent to Graduate qualification in Music.”



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17. He further submits that the CBSE also recognizes “Sangeet Prabahkar” as equivalent to “Bachelor Degree in Music” for the appointment of music teachers. He submits that Banaras Hindu University (BHU) and Delhi University also admit candidates holding “Sangeet Prabahkar” from Prayag Sangeet Samiti to Master’s programmes in Music, thereby treating it as equivalent to a Bachelor’s degree.

18. The learned counsel for the respondents further submits that a higher qualification subsumes lower qualification prescribed for the post. He further asserts that the phrase “Bachelor Degree in Music or equivalent from a recognized University” is broad enough to include a Master's Degree. He places reliance on the Judgments of the Supreme Court in *Chandrakala Trivedi v. State of Rajasthan*, (2012) 3 SCC 129, *Parvaiz Ahmad Parry v. State of Jammu & Kashmir*, (2015) 17 SCC 709, and *Chandra Shekhar Singh v. State of Jharkhand*, 2025 SCC OnLine SC 595.

19. The learned counsel for the respondents submits that the rule must be interpreted in light of past practice. He further submits that the petitioners cannot be allowed to apply the same rule differently to identically situated persons. To this effect, he places reliance on the Judgments of the Supreme Court in *T. Valsan (Dead) Through Legal Representatives & Ors. v. K. Kanagaraj*, (2023) 7 SCC 614, *Shailendra Dania v. S.P. Dubey*, (2007) 5 SCC 535 and *N. Suresh Nathan & Anr v. UOI*, 1992 Supp (1) SCC 584.

ANALYSIS AND FINDINGS



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20. We have considered the submissions made by the learned counsels for the parties.

21. The issue that arises for consideration is whether the degree of Sangeet Prabhakar issued by Prayag Sangeet Samiti, Allahabad, is equivalent to a “Bachelor Degree in Music”.

22. Admittedly, the respondents have passed Senior Secondary with 50% marks and hold the degree of Sangeet Prabhakar from Prayag Sangeet Samiti, Allahabad. Respondents 3 and 5 also hold a higher qualification of Master of Arts in Hindustani Music from Delhi University.

23. In the case of ***Bihar Rajya M.S.E.S.K.K. Mahasangh (supra)***, the Supreme Court accepted the report of S.C. Agrawal Commission in *toto*. The relevant portion of the same reads as under:

“Conclusions:

1. xxxxxx

2. ***The report of the commission of enquiry of Hon. Justice S.C. Agrawal [retired], is accepted and all objections filed against the said report are rejected.***

3. xxxx”

24. It is manifest from the above that the degree of “Sangeet Prabhakar” and diploma of “Sangeet Visharad” are treated as equivalent to a “Bachelor Graduation in Music”. We, therefore, find no merit in the submission of the learned counsel for the petitioners that ***Bihar Rajya M.S.E.S.K.K. Mahasangh (supra)***, being passed in a different context, cannot govern the present case.

25. Furthermore, the CBSE has recognized “Sangeet Prabhakar” as an eligible qualification for teachers to teach music in its affiliated



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schools. Delhi University and BHU have also recognized the said degree as equivalent to a “Bachelor degree in Music”. Accordingly, the degree of “Sangeet Prabhakar” possessed by the respondents is to be treated as equivalent to a “Bachelor degree in Music” for purpose of the post of Primary Teacher (Music).

26. We are conscious of the fact that the determination of equivalence of qualification lies within the domain of the executive/employer with interference of the Writ Court warranted only in situations of manifest arbitrariness. However, in the present case, the Advertisement in question provides for equivalence exercise to be done. Hence, the petitioners should have kept in mind the Judgement of the Supreme Court in *Bihar Rajya M.S.E.S.K.K. Mahasangh* (supra).

27. In light of the above, we find no infirmity in the Impugned Order passed by the learned Tribunal. The writ petition, being devoid of merit, stands dismissed. The pending applications are disposed of as infructuous.

28. No order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

DECEMBER 04, 2025/Av