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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decided on: 27.02.2025

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W.P.(C) 2285/2025 & CM APPL. 10753/2025

RAGHAV SHUKLA

.....Petitioner

Through: **Mr. Rakesh Kumar Singh & Mr.
Vikash Kumar, Advocates.**

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: **Ms. Garima Sachdeva, Sr. Panel
Counsel with Mr. Aakash Pathak,
GP for UOI/R-1.
Mr. Anshul Rai, Advocate for R-2
to 4/DFCCIL.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. The petitioner, an Ex-Serviceman [“ESM”], has filed the present writ petition under Article 226 of the Constitution of India, against a decision of the respondent-Dedicated Freight Corridor Corporation of India Limited [“the Corporation”]. By the impugned decision, the Corporation cancelled his candidature for the post of Executive (Human Resources) [“Executive (HR)”], under Advertisement No. 01/DR/2023 issued on 20.05.2023.

2. I have heard Mr. Rakesh Kumar Singh, learned counsel for the petitioner, and Mr. Anshul Rai, learned counsel for the Corporation.

3. By the aforesaid recruitment notice, the Corporation invited



applications for several posts including Executive (HR). The advertisement specified the qualifications for each post and the reservation categories in which applications could be made. For the present purposes, suffice it to note that as far as Executive (HR) is concerned, three posts were reserved for ESM. The essential educational qualifications provided for the said post were as follows:

“Three years Bachelor of Business Administration (BBA) / Bachelor of Management Studies (BMS) in HR/Personnel Management from a recognized University / Institute with not less than 60% marks.”

4. In the recruitment notice, the following instructions deal specifically with the post for which the petitioner had applied, and with the recruitment of ESMs:

“viii) The prescribed minimum Educational Qualifications as indicated for Posts of Executive (Operations & Business Development), Executive/Finance and Executive/HR as indicated in Para 2.1 and Junior Executive as Indicated in Para 2.2 are mandatory and in the absence of the same, any higher Qualification, even if possessed by the candidate will not make the candidate eligible. Accordingly:

a) For Posts where ITI/Course Completed Act Apprenticeship (CCAA) is prescribed as essential Educational Qualification, candidate must have completed ITI/CCAA in the specified trades. Candidates having higher Qualification viz. B.E/B.Tech/B.Sc/Diploma etc in respective discipline but not having ITI/CCAA in the specific trade, shall not be eligible to apply.

b) Graduate Act Apprentice will not be eligible to apply in lieu of Course Completed Act Apprenticeship (CCAA).

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xi) For Ex-servicemen candidates, the Qualification Equivalency as per Govt of India's Instructions shall be applicable. The criteria for duration of course and percentage of marks shall not be insisted upon in case of Ex-servicemen, provided they possess a requisite Equivalent Qualification as prescribed in the



*Advertisement which has been acquired through Indian Army/Navy/Air Force. **The Ex-serviceman candidate shall however have to produce an Equivalency Certificate stating that their Qualification/Trade has been equated with the prescribed Qualification/Trade in this Advertisement failing which their candidature will not be considered.***

xii) In Qualifications such as Bachelor of Business Administration/Bachelor of Management Studies, where there is a mention of Dual/Major/Minor specialization, one of the specializations necessarily needs to be function specific for which the Post has been advertised.¹

5. The petitioner participated in the Computer Based Test and was selected, subject to verification of documents.

6. In order to meet the requirements of the notification, the petitioner submitted a certificate issued by the Indian Navy entitled '*Equation of Educational Qualification Graduation Certificate*'. It provides that the petitioner is eligible for appointment where the essential educational qualification is graduation. The certificate reads as follows:

*"1. This is to certify that Name **RAGHAV SHUKLA** Rank **MC HA II** P.No. **18213-3R** retired/ discharged vide LRDO 1:01/2019 (SI. No. 1510) dated **01.08.2018** who is a matriculate Ex-serviceman (term includes an Ex-serviceman who has obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or the Air Force), pensioner, who has put in more than 15 years of service in the Indian Armed Forces **and is eligible for the appointment where essential educational qualification is GRADUATION for appointment to any reserved vacancy in Group 'C' posts where:-***

(a) Work experience of technical or professional nature is not essential; or

(b) Though non-technical professional work experience is prescribed as essential, yet the appointing authority is satisfied that Ex-Serviceman is expected to perform the duties of the post by undergoing on the job training for a

¹ Emphasis supplied.



*short duration.*²

7. The certificate also contains a mark list, where Human Resource Management is shown as one of the four subjects of the petitioner.

8. The respondent did not consider this certification to be adequate to establish equivalence with the qualifications prescribed in the advertisement. The petitioner therefore submitted an undertaking dated 13.03.2024, stating that he will be submitting the qualification equivalency certificate as per the advertisement, for Bachelors of Business Administration [“BBA”] (HR). He sought 30 days’ time to produce the same.

9. The petitioner thereafter made several representations, and was also granted time on three occasions to submit the documents, by letters dated 03.06.2024, 06.08.2024, and 21.11.2024. The last of these communications mentioned that an opportunity was being given as a last chance, and that the petitioner’s candidature would be cancelled if he was unable to submit the document by 02.12.2024.

10. The petitioner’s candidature has thereafter been cancelled by the impugned letter dated 23.12.2024, which states that the requisite qualification for the post of Executive (HR) is not merely “*graduate level*” but a specialised qualification. As the petitioner did not possess the requisite qualification and had not submitted the required equivalency certificate in terms of his undertaking, the matter was re-examined by the Document Verification Committee, which found his documents to be non-compliant. The respondent, therefore, cancelled the petitioner’s

² Emphasis supplied.



candidature for the said post.

11. The question to be determined is whether the petitioner was entitled to be appointed to the post of Executive (HR) on the basis of the equivalency certificate provided. It may be noted at the outset, that the qualifications prescribed by the respondent/Corporation included a BBA/ Bachelors of Management Studies [“BMS”] in HR/Personal Management, whereas the equivalency certificate submitted by the petitioner referred to the educational qualification of “*graduation*”, without mentioning any particular specialisation.

12. Mr. Singh relied upon the following to submit that the petitioner, in fact, has sufficient experience of Human Resource Management for his equivalence to be considered favourably: -

- a. Human Resource Management was one of the four subjects specified in the petitioner’s graduation equivalency certificate.
- b. The petitioner also submitted an Equivalent of Naval Trade Certificate issued by the Indian Navy, in which the Equivalent Civil Trades of “Administrative Officer”, “Grade II/ Class B Non-Gazetted Officer Central /State Government” and “Section Officer” were specifically mentioned.
- c. Additionally, he submitted an Experience-cum-Trade-Certificate which certified that he had core competency in “*leadership and management*”, “*team management and motivation*” and “*administration*”.
- d. The petitioner had also undertaken a management course in the year 2015, in which Human Resource Management was one of the subjects.



13. Mr. Singh also drew my attention to a communication of the Indian Navy dated 07.05.2024, which specifically states that “*there is no BBA(HR)/ BMS Equivalence Certificate authorised by GoI and is not issued by Indian Navy.*”

14. Without prejudice to the above, Mr. Singh drew my attention to a Circular issued by the Department of Personnel and Training [“DoPT”] dated 12.02.1986, by which the Ex-Servicemen (Re-employment in Central Civil Services and Posts) (Amendment) Rules, 1986 were amended. One of the amendments was by insertion of the following provisions in the said Rules:

“Lower Standard For Selection: In the case of direct recruitment, if sufficient number of candidates belonging to the category of ex- serviceman are not available on the basis of general standard to fill all the vacancies reserved for them, candidates belonging to the category of ex-serviceman may be selected under a relaxed standard of selection to make up the deficiency in the reserved quota subject to the condition that such relaxation will not affect the level of performance by such candidates.”

Mr. Singh submitted that, in accordance with the aforesaid Rules, the selection of ESM ought to have been undertaken on a relaxed standard.

15. Mr. Singh cited the judgment of the Supreme Court in *Chief Executive Officer, N.S.S.O. & Ors. vs. Biswa Bhusan Nandi*³, and two judgments of the Division Bench of this Court in *Ex Petty Officer (Electrical Radio) Ranvir Singh Verma vs. Union of India & Ors.*⁴ and *Girish Ahuja vs. Kendriya Vidyalaya Sangathan & Ors*⁵, in support of his

³ (2008) 10 SCC 161 [hereinafter, “*Chief Executive Officer, N.S.S.O.*”].

⁴ Judgment dated 29.08.2016 in W.P.(C) 3451/2016, [hereinafter “*Ranvir Singh Verma*”].

⁵ Judgment dated 10.09.2009 in W.P.(C) 5361/2008, [hereinafter “*Girish Ahuja*”].



contentions.

16. Mr. Rai, on the other hand, submitted that the requirements of the Executive [HR] post are not general but specialised requirements, for which reason the Corporation had notified only BBA or Bachelors of Management Studies [“BMS”] in HR/Personnel Management as adequate. The petitioner’s qualification, according to the equivalence certificate, was equated with a generalist graduation degree, and he was unable to supply the required equivalency certificate, even after submitting an undertaking for this purpose.

17. As far as the power to relax is concerned, Mr. Rai submitted that no power to relax was reserved by the Corporation in the advertisement. He drew my attention to the Frequently Asked Questions [‘FAQs’] published by the respondent alongwith the advertisement. The Corporation reiterated the requirement for qualification equivalency for ESMs, and that relaxation would be granted only for the duration of course, and percentage of marks. It was categorically stated that no relaxation would be granted for the qualification criteria in the advertisement.

18. Mr. Rai cited the judgment of the Supreme Court in *Bedanga Talukdar vs. Saifudaullah Khan and Others*⁶, to submit that no relaxation can be afforded in a recruitment process, unless such power has been reserved in the advertisement.

19. Ms. Garima Sachdeva, learned counsel for Union of India, has also taken instructions on the interpretation of the notification dated 12.02.1986, and submits that the relaxation, if any, has to be provided in



the recruitment notification.

20. Upon the Court's query, Mr. Rai submitted upon instructions that the post of Executive (HR), reserved for ESMs, were not filled in terms of the aforesaid recruitment notice, but that the Corporation has decided, at present, not to re-advertise for the same. A new recruitment notification has been issued on January 2025, which does not include Executive (HR).

21. Having heard learned counsel for the parties, I am of the view that the petitioner's contention with regard to the equivalency with the prescribed degree cannot be accepted. The functions of Executive (HR) are not generalist functions, but require specialised study and knowledge. A Human Resource executive in a commercial enterprise has not just to manage his/her own subordinates, but is involved in formulating personnel policy, training and other such activities, for which domain specific qualifications are a reasonable expectation. The Corporation's prescription that the position can only be filled by persons possessing a BBA or BMS in Human Resources specialisation, cannot therefore be categorised as arbitrary or unreasonable. As noted above, the advertisement specifically provided, *inter alia*, for the post of Executive (HR) that the minimum educational qualifications – including the specialisation in HR/Personnel Management – were to be treated as mandatory.⁷ The intention of requiring a particular specialisation in the degree has also been indicated by reference to “function specific” specialisation.

⁶ (2011) 12 SCC 85, [hereinafter “*Bendanga Talukdar*”].

⁷ Instructions (viii) and (xii) extracted in paragraph 4 (supra).



22. As far as ESM candidates are concerned, the advertisement required qualification equivalence as per instructions of the UOI. The only relaxations permissible were with regard to the duration of the course and percentage of marks, but I do not read the relaxation to extend to absorbing ESMs, even if they did not possess the specialised educational qualification, as required. This provision, for limited relaxation, was reiterated in the FAQs also.

23. I am also unable to accept that the petitioner's qualification must be read as equivalent to BBA or BMS degrees. The equivalency certificate draws equivalence only to a generalist graduation degree, although Human Resource Management is mentioned as one of the subjects studied. The Court cannot go behind the equivalence certified by the Navy itself, and read it as a graduation in Business Administration or Management Studies with an HR specialisation. The other certificates also do not go far enough. The Trade Certificate does not refer to Human Resource Management at all, and the Experience-cum-Trade Certificate lists various general competencies - leadership and management, team management, and motivation, administration etc., but these also do not tantamount to an equivalence with the requisite educational qualification. The management course undertaken by the petitioner was a course of less than one month's duration, from 01.05.2015 to 21.05.2015, in which Human Resource Management is listed as one of no less than 36 subjects studied. It is evident that this cannot qualify as a BBA/BMS degree, with a specialisation in the said subject.

24. It may also be noted that equivalence is generally a matter for the academic or recruiting authorities to assess, and the writ Court is reluctant



to enter into such a domain. Reference in this regard may be placed on the judgments of the Supreme Court in *Gurunank Dev University vs. Sanjay Kumar Katwal*⁸ and *Zahoor Ahmed Rather vs. Sheikh Imtiyaz Ahmad*⁹.

25. Turning to the question of relaxation in terms of DoPTs notification dated 12.02.1986, the notification permits the employer to relax the standards of selection to enable recruitment in the ESM category, if sufficient candidates are not available. However, it is clear from the recruitment notice in the present case, that no general power of relaxation was provided. To the extent that ESMs were entitled to some relaxation, the criteria which were capable of relaxation – duration of the course, and percentage of marks – were specifically provided. This was stated not just in the advertisement itself, but the FAQs also reiterated the requirement of an equivalency certificate, drawing equivalence with the prescribed qualification/trade. The judgment of the Supreme Court in *Bedanga Talukdar*¹⁰ holds, in this context, that strict adherence to the selection procedure is required and the power of relaxation, even if provided in the Rules, must still be mentioned in the advertisement. The Supreme Court has emphasised that the power of relaxation must be given due publicity, so that all candidates who become eligible due to relaxation are given an opportunity to apply and compete, failing which such relaxation, would be contrary to the Constitutional guarantee of equality. In the present case, as noted above, no such power has been incorporated in the advertisement, and to the contrary, the answers to the

⁸ (2009) 1 SCC 610 [Paragraphs 15, 16].

⁹ (2019) 2 SCC 404 [Paragraphs 26, 27].



FAQs expressly state that the criteria were incapable of relaxation. This point must, therefore, be answered against the petitioner.

26. However, having regard particularly to the fact that the Navy has informed the respondent, by its letter dated 07.05.2024, that no equivalence to BBA or BMS is issued in terms of Government of India's guidelines, it is directed that in the event the Corporation proposes to re-advertise for the post of Executive (HR) in the ESM category, it will consider suitable provisions to enable effective participation by ESM candidates, and/or incorporation of a provision for relaxation in terms of the notification dated 12.02.1986.

27. The judgments cited by Mr. Singh, also do not persuade me to a contrary conclusion. In *Chief Executive Officer, N.S.S.O.*¹¹, the High Court had reversed the view of the Central Administrative Tribunal with regard to equivalence, and directed the respondents to accommodate the petitioner in a particular post or if the said post was not possible, in a suitable alternative post. The Supreme Court noticed that the employer had specifically filed an application for extension of time before the High Court, which had been granted. During the pendency of proceedings before the Supreme Court, the employer had made a further application before the High Court, and assured the High Court that its directions would be complied with. On this assurance, the High Court granted further time. It is particularly in the circumstances, that the employer had applied for extension of time and given assurances to the High Court that the candidate would be accommodated, that the Supreme Court

¹⁰ (2011) 12 SCC 85.

¹¹ (2008) 10 SCC 161.



considered it an inappropriate case for exercise of jurisdiction under Article 136 of the Constitution. The judgment of the Supreme Court thus turns upon the assurances given by the employer to the High Court, from which it sought to renege. The said judgment is, therefore, inapplicable to the facts of the present case.

28. In *Girish Ahuja*¹², the ESM applied for the post of Physical Education Teacher in Kendriya Vidyalaya. The Division Bench noted that the petitioner had 20 years' experience as Ground Training Instructor in the Indian Air Force, and came to the conclusion that he did possess the requisite qualification, having regard to the level of fitness required in the Armed Forces. In coming to this conclusion, the Court noted that the qualifications required by the respondents, included educational qualification, could be waived for distinguished sports persons. In the present case, to the contrary, I have come to the conclusion that the equivalency certificate supplied by the petitioner was insufficient to establish that he possesses the necessary qualifications.

29. In the judgment in *Ranvir Singh Verma*¹³, the Court noticed that the petitioner had 70 weeks of professional training at the Electrical Engineering school at Valsura, and that he handled all types of radio sets and was fully qualified in his training as a radio technician. It, therefore, regarded this qualification and experience as equivalent to a Diploma course in electric communications from a recognized institute. It is in these circumstances that the Court directed relaxation of the educational qualification, that too with the following caveat:-

¹² Judgment dated 10.09.2009 in W.P.(C) 5361/2008.

¹³ Judgment dated 29.08.2016 in W.P.(C) 3451/2016.



*“We make it clear that this order has been passed in the peculiar facts of the present case and **shall not be treated as precedent in other cases.**”¹⁴*

As the Division Bench itself directed that the judgment should not be treated as a precedent, the matter need not detain us further.

30. Having regard to the aforesaid, I am of the view that the petitioner has failed to make out a case for interference with the impugned decision of the Corporation, under Article 226 of the Constitution.

31. The writ petition is accordingly dismissed, but with no order as to costs.

PRATEEK JALAN, J

FEBRUARY 27, 2025

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¹⁴ Emphasis supplied.