



\$~14

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

Date of decision: 24.11.2025

+ W.P.(C) 10299/2021
PERMOD KUMAR

.....Petitioner

Through: Mr.Sagar Saxena, Krisnandu
Haldar, Abbu Hassan Ushmani
Advocates

versus

DELHI METRO RAIL CORPORATION LTD & ORS.

.....Respondents

Through: Mr.V.S.R. Krishna, Adv. for
DMRC.
Mrs.Avnish Ahlawat, SC for
GNCTD.
Mr. Jitendra Kumar Tripathi &
Mr. Sumit Kumar Raj, Advs for
UOI

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 13.07.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 1105/2017, titled *Permod Kumar v. Delhi Metro Rail Corporation Ltd & Ors.*, whereby the learned Tribunal dismissed the O.A. filed by the petitioner herein.

2. The petitioner filed the above O.A. before the learned Tribunal, praying for the following reliefs:



“a) Quash the office order dated 19.10.2016 bearing no. DMRC/PERS/24/LDCE/2016 declaring result of LDCE-2016, with respect to Electrical Department, for promotion to the post of Assistant Manager (AM) in grade of 20600-46500.

b) Direct the respondent no.1 to grant equal treatment to the applicant vis-a vis the B.Tech/B.E. candidate and 4 marks in qualification and consider the applicant for the post of Assistant Manager (AM) in grade of 20600-46500.”

3. The petitioner had contended that he had been employed with the respondent no. 1 as a JE/ASE/Rolling Stock in the O & M Wing since 09.12.2009. Pursuant to the notification bearing No. DMRC/OERS/24/LDCE/2016 dated 06.04.2016, issued by the respondent no. 1, he applied for appointment to the post of Assistant Manager under the Limited Departmental Competitive Examination (LDCE). The post of Supervisor held by the petitioner was also treated as one of the feeder posts for the said examination. He participated in the written examination and the interview; however, as he was not selected, he sought information under the Right to Information Act, 2005, regarding the selection process. In response, he was informed that he had been awarded 3.5 marks for his educational qualification, due to which he did not meet the cut-off marks.

4. Aggrieved thereby, he filed the above O.A. before the learned Tribunal, contending therein that his educational qualification, that is, Section ‘A’ and ‘B’ examinations conducted by the Institution of Engineers (India), is considered equivalent to a degree in, *inter alia*, Mechanical Engineering, which was the required qualification under



the advertisement. The petitioner, therefore, contended that there was no justification for the respondent no. 1 to award only 3.5 marks to him for the said qualification, while awarding 4 marks to candidates who possessed a B.E./B. Tech degree in the concerned discipline.

5. The learned Tribunal, however, rejected the said submission by observing as under:

“6. As mentioned above, the respondents have adopted a policy of awarding marks to different categories of degrees. It is a criterion adopted by them and it would be difficult to treat it as discriminatory or arbitrary. Though AMIE may have been treated as a qualification, enabling a candidate to participate, the awarding of a fraction of mark less than those of B.E./B.Tech cannot be found fault with. At any rate, the selecting agency has its own discretion. The applicant can be said to have been discriminated if only he was not treated as qualified at all even after the AMIE degree was treated as equivalent to B.E./B.Tech Degree.”

6. The learned counsel for the petitioner, while challenging the Impugned Order, reiterates that the only requirement prescribed in the advertisement was that a candidate must possess a degree/graduation degree in the concerned engineering discipline, along with a minimum of 4 years' service in the supervisory grade. He submits that the petitioner duly fulfilled the said criterion and, therefore, there was no justification for awarding him lesser marks. He submits that the UPSC, *vide* its Circular No. F.18/3/78-E.I (B) dated 27.02.1978, has clarified that candidates who have passed Section 'A' and 'B' of the Associate Membership Examination of the Institution of Engineers (India) (in short, 'AMIE'), the Graduateship Examination of the



Institution of Electronics and Telecommunication Engineers, etc., are recognised by the Government as possessing qualifications equivalent to a degree in Engineering for the purpose of recruitment to superior services/posts under the Central Government. He also places reliance on the Notification dated 16.01.2006 issued by the Ministry of Human Resource Development, Department of Secondary and Higher Education, which again states that the Mechanical Engineering course under Sections 'A' and 'B' conducted by the Institution of Engineers (India) shall be treated as equivalent to a degree in the appropriate branch of Engineering awarded by recognised Universities in India. He also places reliance on a printout issued by the Institution of Engineers (India), which states that its courses are recognised by several authorities, including the MHRD, UPSC, UGC and the Government of India.

7. He submits that once the petitioner's qualification is recognised as equivalent to a graduation/B.E./B. Tech degree, the respondent no.1 could not have been awarded lesser marks. He submits that the respondent no. 1 cannot alter the rules of recruitment midway through the selection process. He further submits that, in fact, in the subsequent year, realising its error, the respondent no. 1 itself started awarding 4 marks to candidates who had completed the same course as the petitioner.

8. On the other hand, the learned counsel for the respondent no. 1 submits that the respondent no. 1 has, since the year 2005, been following a uniform policy of awarding 3 marks to diploma holders, 3.5 marks to holders of AMIE qualifications, 4 marks to B.E./B.Tech



graduates, 4.5 marks to those possessing AMIE/Graduation along with an MBA, and 5 marks to candidates holding a B.Tech together with an M.Tech or MBA. He submits that the “rules of the game” were therefore known to all the candidates and were uniformly applied by the respondent no. 1 during the recruitment process. He further contends that the fact that the policy for awarding marks was changed in a subsequent year, cannot assist the petitioner in relation to the recruitment process in question.

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

10. The advertisement, insofar as the essential eligibility criteria for the posts under Section A is concerned, for which the petitioner had applied, stated as under:

“2. *ELIGIBILITY CRITERIA (As on 30.04.2016):-*
For posts under Section-A

<i>Eligibility Grade/Status</i>	<i>Eligibility for Qualification/Experience/Length of service for regular employee</i>
xxxxxx	xxxxxx
<i>b. Supervisors confirmed in grade Rs.14000-26950 IDA and Rs. 13500-25520 IDA and equivalent CDA pay scales.</i>	<i>b. Degree/Graduation in concerned Engg/Architecture/IT Discipline <u>with minimum four years service in supervisory grade</u> & work experience in the concerned wing/department of Project and O&M division.</i>

11. As far as the mode of selection is concerned, the advertisement further stipulated as under:

“ 4. *Mode of Selection*
For Section A & B: - (Total Marks-100)

<i>a. Online Written Test – (Total 60 Marks)</i> <i>(i) 40 Marks (Technical/Professional)</i> <i>(ii) 20 Marks (Establishment Rules)</i>
--



- b. *Interview-15 Marks (including knowledge of English)*
- c. *APARs and service record-15 Marks.*
- d. *Qualification-5 Marks*
- e. *Seniority-5 Marks”*

12. From the above, it is apparent that the advertisement clearly stipulated that the educational qualification of a candidate would carry 5 marks in the selection process. How these 5 marks were to be awarded, and on what basis, was to be determined by way of a policy decision taken by the respondent no. 1, well before the recruitment process and, as contended by the learned counsel for the respondent no. 1, the same was in place since the year 2005. It was not a decision taken in the midst of the subject recruitment process, as has been sought to be contended by the learned counsel for the petitioner. The said policy decision of awarding different marks for different kinds of educational qualifications has been uniformly followed by the respondent no. 1, including in the subject recruitment process. There is no allegation of *mala fides* or bias in its implementation. It also cannot be considered arbitrary, inasmuch as although AMIE courses may be treated as equivalent to a graduation/degree/B.E./M.Tech., the respondent no. 1, as an employer, is entitled to assign varying degrees of weightage to such qualifications. The respondent no. 1, having taken a policy decision on this aspect, which has neither been challenged before us nor before the learned Tribunal, cannot be faulted for having applied it uniformly.



13. Similarly, the fact that the respondent no. 1, in the subsequent examination process, changed its policy and granted 4 marks to the candidates who had completed the AMIE course, also cannot come to the aid of the petitioner. A subsequent change in policy cannot have a retrospective effect so as to challenge a recruitment process that has already been completed in accordance with the rules and policy decision then prevailing.

14. The learned counsel for the petitioner submits that no such policy or document evidencing the same has been filed along with the counter affidavit before the learned Tribunal or before this Court, and that this plea was also not taken before the learned Tribunal. We do not find any merit in this submission, inasmuch as, in its reply before the learned Tribunal, the respondent no. 1 had contended as under:

“4.4 Matter of record. DMRC has also recognized the AMIE degree as equivalent and that is why Shri Permod Kumar was given equal opportunity along with all other degree holder candidates to appear for LDCE-2016. It is only the yard stick framed by DMRC for allocation of 5 marks for the candidates based on Qualification in the LDCE examination

Diploma-3

AMIE-3.5

B.E/B.Tech/Graduation-4

AMIE/Graduation + MBA-4.5

B.Tech+ M.Tech/M.BA in relevant discipline-5

This procedure for allocation of marks for qualification has been adopted (since 2005). Any change in the allocation of marks now will



result in change in result of the said examination as there are many other candidates who will also have to be given the same number of marks. Also this will have to be made applicable to other disciplines as well for instance in Civil department also candidates have AMIE degree in Civil and have been allocated 3.5 marks. The allocation of marks in LDCE has been done uniformly to all candidates since 2005 and there has been no intention of Management to discriminate against any particular candidate.”

15. Apart from insistence on documentary evidence to prove the same, there is no serious challenge laid by the petitioner to the above assertion of the respondents. We have no reason to doubt the submission of the learned counsel for the respondent no. 1 that a uniform policy for awarding marks has been followed since the year 2005.

16. Accordingly, we do not find any merit in the present petition. The same is dismissed.

17. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 24, 2025/rv/DG