



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

Reserved on: 28.01.2025

Pronounced on: 27.02.2025

+ **W.P.(C) 11983/2024**

ANKIT KUMAR TIWARI

.....Petitioner

Through: **Ms.Aadya Mishra, Mr.Chetan
Garg & Mr.Harsh Jaiswal,
Advs.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Ms.Arunima Dwivedi, CGSC
with Ms.Pinky Pawan,
Ms.Kritika Sharma, Advs. and
Mr.Aakash Pathak, GP
Major Anish Muralidhar, Army.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

NAVIN CHAWLA, J.

1. This petition has been filed by the petitioner, challenging the Letter dated 16.08.2024 issued by the respondents, whereby the candidature of the petitioner for the SSC(T)-63 (Oct 2024) Course (herein-after referred to as the 'Subject Course') has been cancelled, by observing as under:

"2. You have selected 'M.Sc Computer Science' stream in your online application. However, during scrutiny of your educational documents, it is found that you have studied



Engineering Degree in 'Master of Science in Data Science' which is not enlisted in Para-3 of SSC(T)-63 (Oct 2024) course notification.

3. In view of the above, as per Para 3 and Note 1 under Para 15 of SSC(T)-63 (Oct 2024) course notification, your candidature for SSC(T)-63 (Oct 2024) course is hereby cancelled due to non-fulfilment of eligibility educational (stream) criteria as per Para 3 of course notification and for submission of incorrect information in online application.”

2. The learned counsel for the petitioner submits that the petitioner had applied for the course under the Computer Science Engineering Stream. She submits that the petitioner secured an All India Rank of 18 in the merit list for the said course that was published on 24.11.2023. She submits that the candidature of the petitioner, however, has been rejected on the abovementioned ground, which is arbitrary. She submits that the degree of M.Sc. in Data Science is equivalent to the degree of M.sc. Computer Science and therefore, there was no error or mis-statement in the application form filled by the petitioner.
3. She submits that *vide* a letter dated 05.12.2023, in relation to the TGC-138 (Jan 2024) Course, the petitioner had earlier been called by the respondents to produce an Equivalence Certificate from the Registrar/Vice Chancellor of the College/University in the format attached thereto. The petitioner submitted the Equivalence Certificate from the NSHM College of Management & Technology, Kolkata, from where the petitioner had obtained his M.Sc. Data Science degree, certifying that the subject taught



in his post graduate degree are in complete equivalence with M.Sc. Computer Science. She submits that the respondents, however, did not consider the said Equivalence Certificate before rejecting the candidature of the petitioner in the present selection process.

4. She further submits that in the Advertisement/Notification for the SSC(T)-63 (Oct 2024) Course, the eligibility requirement for the Educational Qualification is that of the candidate having passed the requisite Engineering Degree course, which includes Computer Science. In the equivalence table, 'Data Science Programme' is mentioned as an equivalent stream, therefore, the petitioner was eligible for the course.
5. She further submits that even in the 'Public Notice on Equivalence of Degrees' issued by the University Grants Commission on 19.7.2016, it has been mentioned that the equivalence of degree is to be determined by the University concerned, and in cases of employment, promotion, etc., by the employing organization.
6. She places reliance on the Addendum Notification of the All India Council for Technical Education (AICTE) dated 06.10.2021, whereby AICTE has clarified the equivalence Notification dated 28.04.2017 published by it, to state that the government organizations in taking decision for recruitment of candidates for various posts should take into consideration the list of major disciplines of Engineering and Technology and their



relevant/appropriate branches with nomenclatures of UG and PG degrees as notified while deciding the Core branch and Allied branches. It was further clarified that the cases of candidates pertaining to the branches other than those pointed out in the said Notification/Advertisement may be dealt with by recruiting organizations by convening a meeting of the Committee of Experts to decide the suitability based on the merit of each case and the job requirement of the concerned organization. She submits that it was, therefore, for the respondents to have appointed a Committee of Experts to first determine the equivalence of the degree of the petitioner, rather than cancelling his candidature on this account. She places reliance on the Judgment of the Punjab and Haryana High Court in *Amarbir Singh Sandhu v. Union of India & Ors.*, 2021 SCC OnLine P&H 1162, in this regard.

7. Placing reliance on the Notification/Advertisement dated 28.04.2017 of the AICTE, she submits that under the main heading of 'Computer Science and Engineering', as far as the Post Graduate Degrees are concerned, a Degree in Data Sciences is also mentioned. She submits that, therefore, the Degree in M.Sc. Data Sciences is equivalent to a Degree in M.Sc. Computer Science and Engineering.
8. On the other hand, the learned counsel for the respondents submits that the petitioner, in his Online Application Form, had falsely claimed to be possessing a degree of M.Sc. Computer



Science. She submits that the Degree possessed by the petitioner is not of M.Sc. Computer Science and, therefore, by exercising the powers under Note 1 of the Notification/Advertisement, the respondents have cancelled the candidature of the petitioner.

9. She also places reliance on Clause 3 of the Notification/Advertisement to submit that the candidates have been clearly warned that only Engineering streams and their acceptable equivalent streams given in the Notification/Advertisement will be accepted by the respondents, and any variation between the nomenclature of the Engineering stream as given on the degree parchment/marksheet and that submitted by the candidate in the Online Application Form, will result in cancellation of the candidature.
10. She further submits that the documents of equivalence relied upon by the petitioner are of no relevance as it is for the employer/respondents to decide whether the Degree possessed by a candidate can be said to be equivalent to the one required by the employer/respondents. In support of her submissions, she places reliance on the Judgment of the Supreme Court in ***Shifana P.S. v. State of Kerala & Ors.***, 2024 SCC OnLine SC 1884.
11. We have considered the submissions made by the learned counsels for the parties.
12. The Notification/Advertisement, in Clause 2(c) of the same, prescribes that the educational qualification required by a candidate for applying for the said Course is a requisite



Engineering Degree, or for the candidate to be in the final year of the Engineering Degree course. Clause 3 of the said Notification/Advertisement further warned the candidates that the candidates must possess the degree only in the Engineering streams and their acceptable equivalent streams, strictly as notified in the table given in the Notification/Advertisement itself. It was also stated that any variation between the nomenclature of the Engineering Stream as given on the degree parchment/marksheet and that submitted by the candidate, would result in the cancellation of the candidature.

13. The said table, as far as the Core Engineering Stream of 'Computer Science' is concerned, also mentions 'Data Science Programme' as an Equivalent Stream in Clause (xxvi) thereof and M.Sc. Computer Sciences in Clause (xxxi) thereof. The relevant conditions of the abovementioned Notification/Advertisement are reproduced hereinunder:-

"2. Eligibility.

xxxxx

(c) Educational Qualification for Applying.

Candidates who have passed the requisite Engineering Degree course or are in the final year of Engineering Degree course are eligible to apply.....

xxxxx

3. Vacancies.

Candidates must note that only the Engineering streams and their acceptable equivalent streams, strictly as notified in the table below, will be accepted.

Candidates with degrees in any other Engineering stream(s) are not eligible to



apply. Any variation between the nomenclature of Engineering stream as given on the degree parchment / marksheet and that submitted by the candidate in his/her online application will result in cancellation of candidature.

(a) For SSC(Tech)-63 Men.

S N.	Core Engg Stream	Engg Streams (Listed in AI)	Equivalent Stream (AICTE Appd)	Vacs Release for SSC(T)-63 (Men) course
(ii)	Computer Science	(a) Computer Sc & Engg (b) Computer Technology (c) M.Sc Computer Sc (d) Information Technology	xxxxxxx (xxvi) Data Science Programme Xxxxxxx (xxxi) M.Sc. Computer Science	60

14. Note 1 to the Notification/Advertisement further warned the candidates that any false information detected in the certificate/online application will result in cancellation of the candidature at any stage of selection and even thereafter. It is reproduced hereinunder:

“Note 1. Any ambiguity/ false information/ concealment of information detected in the certificates/ documents/ online application will result in cancellation of the candidature at any stage of selection and thereafter.”

15. From the above extracts of the Notification/Advertisement, it would be evident that it defined the degree of Core Engineering Stream and its named equivalents that a candidate must possess.



It further warned the candidates that degrees only in the Core Engineering Streams and their acceptable equivalent streams, strictly as notified in the table attached to the Notification/Advertisement, shall be accepted and candidates with degrees in any other Engineering Streams are not eligible to apply. Candidates were warned that any variation between the nomenclature of Engineering stream as given on the degree parchment/marksheet and that submitted by the candidate in his/her online application, will result in cancellation of candidature. Therefore, as far as the respondents are concerned, only named equivalent degrees were acceptable to them and could have been accepted by them. They had stated that for any other degrees, not specified in the table, they shall not be carrying out a further exercise of determining the equivalence.

16. As far as the reliance of the petitioner on the Notification dated 28.04.2017 and the Addendum Notification dated 06.10.2021 issued by the AICTE are concerned, the Notification dated 28.04.2017 is for 'Recruitment to Teaching Positions' and applies to technical institutions conducting technical education and such other courses/programmes and areas notified by the Council from time to time. Further, under the major discipline of Engineering/Technology of Computer Science and Engineering in relevant/appropriate nomenclature of PG Degree in Engineering/Technology, there is a mention of Computer Engineering. There is also a separate mention of Data Sciences.



17. The Addendum Notification dated 06.10.2021 clarifies that the government organisations, in taking decision for recruitment of candidates for various posts, should take into consideration the list of major disciplines of Engineering and Technology and their relevant/appropriate branches with nomenclature of UG and PG Degrees as notified, while deciding the Core branch and Allied branches. It further states that the cases of candidates pertaining to the branches other than those pointed out in the Notification dated 28.04.2017, may be dealt with by recruiting organisations by convening a meeting of the committee of experts to decide the suitability based on the merit of each case and the job requirement of the concerned organisation.
18. Similarly, the UGC by its Public Notice on 'Equivalence of Degrees' dated 19.07.2016, has stated that the equivalence of degrees, diplomas, certificates, etc., are not determined by it and should be decided by the University concerned, and in case of employment, promotion, etc., by the employing organisation.
19. The Supreme Court, in *Shifana P.S.* (supra), has also held that equivalence of a qualification is not a matter that can be determined in exercise of power of judicial review and should be left to the State, as the recruiting authority to determine.
20. In the present case, the Notification/Advertisement for the Subject Course for the Core Engineering stream of Computer Science, mentioned the equivalent streams as including Data Science Programme and M.Sc. Computer Science. The



petitioner, admittedly does not have a degree of M.Sc. Computer Science, however, submits that his degree in M.Sc. Data Science should be treated as an equivalent of M.Sc. Computer Science.

21. As noted hereinabove, this is not the function of this Court as the Court does not have the expertise to make this determination. The respondents have set out the degrees that it shall consider equivalent to the Core Engineering stream, and have further warned the candidates that any variation between the nomenclature of Engineering stream as given on the degree parchment/marksheet and that submitted by the candidate in his/her online application will result in cancellation of candidature. In spite of such warning, the petitioner chose to fill his degree as M.Sc. Computer Science and not M.Sc. Data Science, which he actually possesses. It is not for this Court to determine the reason for the same nor can it rule equivalence of the same. By filing up his degree as M.Sc. Computer Science instead of M.Sc. Data Science, which the petitioner actually possesses, the petitioner has attracted the wrath of Note 1 of the Notification/Advertisement. The decision of the respondent to reject the application of the petitioner for mis-statement, therefore, cannot be faulted.
22. We may also herein note that in Clause (xxvi) of the Notification/Advertisement, the name of the Degree is 'Data Science Programme'. Whether the same is equivalent to M.Sc. in Data Science will be another question of equivalence, which in



terms of the Notification/Advertisement, the respondents stated that they shall not be carrying out. Hence, the Judgment of *Amarbir Singh Sandhu* (supra) also would not come to the aid of the petitioner in the present case.

23. In terms of Clause 3 of the Notification/Advertisement, therefore, the candidature of the petitioner has been rightly rejected.
24. The submission of the learned counsel for the petitioner, that in the previous selection process, the respondents had called upon the petitioner to obtain an equivalence certificate from his University, which was not considered in the present selection process, cannot also be accepted, as each selection process shall have to be tested on the terms of the Notification/Advertisement for the said selection process. The present selection process, having stated that exercise of determining equivalence shall not be undertaken, no fault can be attributed to the respondents for not placing any reliance on the equivalence certificate produced by the petitioner with respect to the earlier selection process.
25. Accordingly, we do not find any merit in the present petition. The same is dismissed.

NAVIN CHAWLA, J.

SHALINDER KAUR, J.

FEBRUARY 27, 2025
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