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

Date of decision: 07.05.2025

+ W.P.(C) 13374/2024

GOVERNMENT OF NCT DELHI AND ORSPetitioners

Through: Mr. Gaurav Dhingra & Mr.
Shashank Singh, Advs.

versus

PRIYA KAIM

.....Respondent

Through: Mr. Devesh Singh & Mr.
Shreeraj Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 55841/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 13374/2024 & CM APPL. 55840/2024

2. The present petition has been filed, challenging the Order dated 17.05.2024 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as 'learned Tribunal') in O.A. No. 4361 of 2017, titled ***Priya Kaim v. Govt. of NCT of Delhi & Ors.***, allowing the said O.A. filed by the respondent herein and directing the petitioner to allow the respondent to join as TGT (Computer Science) (Post Code 192/14), for which they were offered appointment, if otherwise found eligible, within a period of two months from the date of receipt of the certified copy of the said order.

3. To give a brief background of the facts in which the present



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petition arises, the petitioners invited the applications for the post of TGT (Computer Science) in the Directorate of Education under Post Code 192/14, *vide* Advertisement No. 01/14 dated 20.01.2024. The essential educational qualification prescribed for the said post was as under:

“ Bachelors Degree in Computer Application (BCA) from a recognized University; OR Graduation in computer Science from a recognized University. (Provided that the Computer Science subject must be studied in all years as main subject). OR B.E./ B. Tech. (Computer Science/Information Technology) from a recognized University. OR Graduation in any subject and 'A' level course from DOEACC, Ministry of Information & Communication and Technology, Govt of India.

Note: Qualifications are relaxable at the discretion of the Competent Authority for reasons to be recorded in writing, in the case of candidates otherwise well qualified.”

4. The respondent applied for the said post, and having cleared the written examination, was called for the document verification. Her candidature was rejected at this stage with the remark that she did not meet the required educational qualification as prescribed in the Recruitment Rules and in the advertisement.

5. Aggrieved by the same, the respondent filed the above OA *inter alia* claiming therein that she is holding the following qualifications :



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S.No.	Qualification	Board/ University	Year of Passing
1	All India Secondary Examination	CBSC	2006
2	All India Senior School Certificate Examination	CBSC	2008
3	B.Sc. (Electronics)	Delhi University	2011
4	M.Sc. (Informatics)	Delhi University	2013
5	NET Qualified for Assistant Professor in the subject Computer Science and Applications.	UGC	April, 2014

6. The learned Tribunal, placing reliance on its earlier order dated 10.08.2023 passed in a batch of O.A.(s), including OA No. 2421/2018, allowed the OA filed by the respondent with the above said direction.

7. The learned counsel for the petitioner, placing reliance on the Judgment of this Court in **Govt. of NCT Delhi & Ors. v. Arun Singh Bhatti**, 2024 SCC OnLine Del 8262, submits that this Court, on similar facts, has set aside a similar direction issued by the learned Tribunal, by holding therein that the learned Tribunal cannot carry out an exercise of determining equivalence of the educational qualifications that are prescribed in the advertisement or by the Recruitment Rules as against the one possessed by a candidate; this



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exercise has to be left to the employer who has issued the advertisement.

8. On the other hand, the learned counsel for the respondent submits that the respondent not only possesses a M.Sc. degree in Informatics from the Delhi University, but also holds a certificate from the University Grants Commission for having cleared the National Eligibility Test (NET) for Assistant Professor in Computer Science and Application, which would be a post higher than the one advertised and in question. He submits that therefore, the respondent not only possesses the essential educational qualification but also in fact, more than the same.

9. The learned counsel for the respondent also submits that in terms of the advertisement, the petitioners were entitled to relax the essential educational qualification in case it is found that the candidate is, otherwise well qualified. He submits that in the present case as the respondent had qualifications of M.Sc. (Informatics) and has also cleared the NET Examination, the petitioner should have exercised their power of relaxation if required.

10. We have considered the submissions made by the learned counsel for the parties.

11. The issue raised in the present petition is no longer *res integra*, and this Court in **Arun Singh Bhatti** (supra) answered the same in favour of the petitioner by observing as under:

“11. The respondent was the holder of a degree of BSc in Information Technology. He, therefore, did not possess a BCA, or a B.E./B.



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Tech in Computer Science/Information Technology or an 'A' level qualification from DOEACC. It is clear, therefore, that the respondent did not possess any of the four alternative qualifications prescribed in the advertisement.

12. The respondent was, instead, a BSc in Information Technology.

13. The Tribunal has proceeded on the principle of equivalence, though it is not very clear, from the impugned order, as to the prescribed qualification to which the Tribunal has held that the respondent's BSc degree in Information Technology to be equivalent. It appears that the Tribunal has treated the BSc qualification in Information Technology, possessed by the respondent, as equivalent to the qualification of graduation in Computer Science, which is one of the four qualifications prescribed in the RRs and the advertisement for the post of TGT (Computer Science).

14. Such an exercise, in our considered opinion, is completely proscribed in law. No Court can qualitatively compare degrees and return findings of equivalence. It is a matter of common knowledge that, even for the same principal subject, different degree courses may follow different curricula. For example, the curriculum taught for a BA (Hons) degree in Mathematics would not be the same as the curriculum followed for a BSc (Hons) degree in Mathematics.

15. Even if, for two different degree qualifications in the same subject, the subjects taught are the same, the content and curricula of the individual subjects may, depending on the ultimate degree which is to be awarded, be different. It is only if the entire content of the subjects taught for obtaining two



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qualifications is meticulously analysed and found to be identical, and the degree of knowledge imparted to the students undertaking the courses for obtaining the said qualifications is also found to be the same, that a conclusion of equivalence may be drawn.

16. Such an exercise, however, cannot be carried out by a Court or a Tribunal. There are institutions and organisations which are competent to return findings of equivalence, such as the University Grants Commission and the All India Council of Technical Education amongst others. Before certifying one course as equivalent to another, these institutions are expected to meticulously scan the content of the courses concerned. Indeed, the AICTE, in its protocol, envisages several considerations being factored in, before one course is certified as equivalent to another. It is not possible, or permissible, for a Court, to merely enlist the subjects taught in two courses and arrive at a finding that the courses are equivalent.

17. That, however, is precisely what the Tribunal has done in the present case.

18. There is an another, and even more empirical reason why the impugned judgement of the Tribunal cannot sustain. The Tribunal has, in holding as it does, effectively re-written the eligibility clause in the RRs and the advertisement by adding, to the qualifications prescribed therein, the qualification of BSc in Computer Science. It goes without saying that a Court cannot treat a candidate as qualified for any recruitment examination by reading, into the prescribed qualification for recruitment, a qualification which does not find place therein.”



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12. In the present case, whether the M.Sc. degree in Informatics, possessed by the respondent, can be considered a degree higher than the degree in B.Tech (Computer Science/Information Technology) or other essential qualification stipulated in the above advertisement, cannot be determined by the learned Tribunal. It was only for the petitioners, as the employers, to have determined the same.

13. We have not been shown that the petitioners, in terms of the advertisement or the Recruitment Rules, were obliged to carry out an exercise of determining the equivalence of the degrees possessed by the candidates. In absence of any such obligation, it was not for even the petitioners to carry out such an exercise nor a direction for the same can be given by the Court.

14. Similarly, only because the respondent has obtained a certificate of having cleared the NET for Assistant Professor in Computer Science Applications, that would not make her eligible for the post of TGT (Computer Science), the said qualification not having been prescribed as an essential qualification. Again, it is not for the Court to determine whether this certificate which the respondent has obtained is a higher qualification than what has been prescribed in the advertisement.

15. As far as the plea of the learned counsel for the respondent seeking for the petitioners to exercise their power of relaxation, we again find no merit, as it was for the petitioners to exercise such power only if the facts of the case warranted it, and that too only for reasons to be recorded in writing. The petitioners cannot be forced by way of a



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mandamus to exercise a power that they do not deem appropriate to exercise in the given facts.

16. For the reasons stated hereinabove, the Impugned Order therefore, cannot be sustained and the same is accordingly set aside.

17. The present petition stands allowed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 7, 2025 */pr/my*

Click here to check corrigendum, if any