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

+ **W.P.(C) 14357/2025 & CM APPLs. 58802-58803/2025**

AMARESH KUMAR RAM

.....Petitioner

Through: Mr. Rajiv Ranjan Dwivedi, Mr.
Sachin Jain, Advocates.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Mr. Chandan Prajapati, Mr. Priyam
Sharma, Advocates for R-1.
Mr. Shashank Manish, Ms. Nidhi
Sahay, Ms. Pragati Singh,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.09.2025

1. The petitioner seeks to apply for the post of General Manager – Marketing in respondent No. 2 – ITI Limited [“ITI”], pursuant to an advertisement dated 30.08.2025. He has filed the present writ petition challenging the eligibility conditions provided in the said advertisement.
2. At the very outset, Mr. Shashank Manish, learned counsel for ITI, who appears on advance notice, submits that this Court lacks territorial jurisdiction to entertain the present writ petition. He submits that the registered and corporate office of ITI is located in Bengaluru, and the petitioner is a resident of Noida, Uttar Pradesh, both being outside the territorial jurisdiction of this Court.



3. Mr. Rajiv Ranjan Dwivedi, learned counsel for the petitioner, however, submits that the post in question is located in Delhi, according to the advertisement, and that ITI is a Government of India enterprise under the Department of Telecommunications, Ministry of Communications, which has its offices within the jurisdiction of this Court.

4. I am of the view that the preliminary objection raised by ITI is merited. ITI is located in Bengaluru, the advertisement was issued from Bengaluru, and the petitioner is a resident of Noida, Uttar Pradesh. This Court therefore has no nexus with the cause of action sought to be espoused. The fact that the location of the post of General Manager – Marketing is stated to be Delhi is, also in my view, insufficient to attract the jurisdiction of this Court. The location of the post is not a part of the bundle of facts necessary for the adjudication of the writ petition and, therefore, does not form part of the cause of action asserted by the petitioner.

5. I am similarly not persuaded by the contention that the office of the Ministry of Communications within the jurisdiction of this Court, confers jurisdiction. The jurisdiction of this Court cannot be invoked merely on the basis of the situs of the Ministry under which a Public Sector Enterprise functions. It has not been alleged that the decision in question was taken by the Ministry, or is otherwise connected with the jurisdiction of this Court in any manner. The Union of India appears to have little to do with the advertisement in question. The contention advanced by Mr. Dwivedi would lead to a situation where this Court would have jurisdiction over any act or omission by any Central public sector



enterprise. I am not persuaded to accept such a consequence.

6. At the request of Mr. Dwivedi, I have also heard him on merits, and his submissions are dealt with below, for the sake of completeness.

7. The advertisement in question pertains to seven vacancies across six different posts, including one vacancy for the post of General Manager – Marketing in Grade IX. The petition records that Grade IX is the level immediately below the Board level in Central Public Sector Enterprises.

8. For the post of General Manager – Marketing (Grade IX), in which the petitioner is interested, the advertisement lays down the following qualifications and experience criteria:

<i>Qualification</i>	<i>Minimum Essential Experience</i>
<u>Essential:</u> <i>Any Degree with MBA or its equivalent from a recognized University/Institute.</i>	<i>Post Qualification executive experience of 23 years in a large organization with minimum of 8 years', experience upon acquiring MBA. Experience in the Marketing area is preferable.</i>

9. The contention of the petitioner is that stipulation of an MBA degree as an essential qualification for the post is arbitrary and irrational. Mr. Dwivedi draws my attention to advertisements for the same post issued on earlier occasions, in which the mandatory qualification was graduation in Engineering, and an MBA in Marketing was only stipulated as a “*preferable qualification*”.

10. The petitioner also addressed representations dated 31.08.2025 and 08.09.2025 to ITI in this regard. ITI has responded to those representations on 12.09.2025 stating as follows:

“2. ITI Limited is presently executing numerous Projects across



various spectra. The Marketing role is therefore not limited to only acquiring business opportunities in one Specific sector but spread across various business domains.

3. The change in the essential qualification for the post of GM – Marketing is therefore a deliberate action in consonance with the business requirement of the company.

4. In view of the above, it is regretted that no change in the educational qualification for the post of General Manager – Marketing is envisaged at this juncture.”

11. The scope for exercising writ jurisdiction, in a matter of setting eligibility qualifications for posts, is very limited. It is well established that it is for an employer to decide the essential eligibility qualifications, which would enable a successful candidate to discharge the functions of the advertised post. In this connection, reference may be made to the judgment of the Supreme Court in *Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors.* [(2019) 2 SCC 404], wherein the Court held as follows:

26. We are in respectful agreement with the interpretation which has been placed on the judgment in *Jyoti K.K.* [*Jyoti K.K. v. Kerala Public Service Commission*, (2010) 15 SCC 596] in the subsequent decision in *Anita* [*State of Punjab v. Anita*, (2015) 2 SCC 170]. The decision in *Jyoti K.K.* turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily presupposes the acquisition of another, albeit lower, qualification. **The prescription of qualifications for a post is a matter of recruitment policy. The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications.** Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine. The decision in *Jyoti K.K.* turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification. The absence of such a rule in the present case makes a crucial difference to the ultimate outcome. In this view of the matter, the Division Bench [*Imtiyaz Ahmad v. Zahoor Ahmad Rather*, LPA (SW)]



No. 135 of 2017, decided on 12-10-2017 (J&K)] of the High Court was justified in reversing the judgment [Zahoor Ahmad Rather v. State of J&K, 2017 SCC OnLine J&K 936] of the learned Single Judge and in coming to the conclusion that the appellants did not meet the prescribed qualifications. We find no error in the decision [Imtiyaz Ahmad v. Zahoor Ahmad Rather, LPA (SW) No. 135 of 2017, decided on 12-10-2017 (J&K)] of the Division Bench.

27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in Jyoti K.K. must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in Jyoti K.K. turned.

[Emphasis supplied.]

The judgment in *Maharashtra Public Service Commission v. Sandeep Shriram Warada & Ors.* [(2019) 6 SCC 362] also echoes the aforesaid view, wherein the Supreme Court observed as follows:

“9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in



accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”

[Emphasis supplied.]

12. In the present case, the petitioner’s arguments fail to meet the high standard of irrationality or arbitrariness, which alone would warrant the exercise of writ jurisdiction. In its communication to the petitioner, ITI has justified the requirement of an MBA with reference to its numerous projects across various business domains, which require qualifications in marketing for business development rather than engineering alone. This is, in my view, sufficient justification to meet any allegation of arbitrariness. It cannot be said that a requirement of an MBA qualification for the purposes of a marketing role, that too, at such a senior level, is either irrational or arbitrary.

13. I am also unpersuaded that the previous advertisements of ITI should alter this conclusion. It is always open to an employer to modify the qualifications required for a particular job, in light of its earlier experience. I have not been shown any statutory rule or legal provision which inhibits such a course.

14. For the aforesaid reasons, the writ petition, alongwith pending applications, is dismissed.

PRATEEK JALAN, J

SEPTEMBER 17, 2025

‘Bhupi/KA’/