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

+ **W.P.(C) 18323/2025 & CM APPL. 75886/2025**

ANAND LEGAL AID FORUM TRUSTPetitioner

Through: Mr.Abhijit Anand, Adv.

versus

UNION OF INDIA & ORS.Respondent

Through: Mr.Chetan Sharma, ASG with Mr.Amit Tiwari, CGSC along with Ms.Ayushi Srivastava, Mr.Ayush Tanwar, Mr.Shubham Sharma, along with Mr.U.K. Tiwari, ED/Railway Board and Mr.Vikas Chaurasia, CLA/NRHQ.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **03.12.2025**

CM APPL. 75885/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 18323/2025 & CM APPL. 75886/2025 (for stay)

3. Heard the learned counsel for the parties.
4. By instituting this petition purportedly in public interest, the petitioner which is a Trust, has prayed that the minimum educational qualification for recruitment against Level-1 posts by the respondents may be quashed and the



respondents may be directed to fill-in Level-1 technical posts with candidates having technical qualification as 10th pass + National Apprenticeship Certificate (*hereinafter referred to as 'NAC'*) granted by National Council on Vocational Training (*hereinafter referred to as 'NCVT'*) or 10th class pass + ITI.

5. Sh. Chetan Sharma, learned Additional Solicitor General representing the respondents, has brought to the notice of the Court that the issue raised in this petition was raised by certain individuals before the Principal Bench of Central Administrative Tribunal (*hereinafter referred to as 'CAT'*) by instituting Original Application No. 296/2025, which has been dismissed by the CAT by means of the judgment dated 12.11.2025. Sh. Sharma has further brought to the notice of the Court that the judgment dated 12.11.2025 passed by the CAT was challenged before this Court in *W.P. (C) 17536/2025*, which too has been dismissed by the Coordinate Bench of this Court by means of the judgment dated 19.11.2025.

6. It has, thus, been argued by Sh. Sharma, learned Additional Solicitor General, that the instant petition is nothing but a camouflage used by certain candidates to challenge the qualification for recruitment to the posts in question, though, the challenge made by individuals' stands rejected both by the CAT as also by this Court. It has been argued, thus, that the instant petition may not be entertained.

7. Replying to the said objections regarding maintainability of the instant Public Interest Litigation, learned counsel for the petitioner has stated that the challenge made before the CAT, which was carried up to this Court was based on different grounds.

8. It is his submission that the primary ground taken before the CAT challenging the qualification prescribed for recruitment to the posts in question



was that the qualification was altered after issuance of the notification and since the rules of the game could not be changed after the game had started, such alteration made by the respondents in minimum qualification was impermissible. His submission is that, to the contrary, the challenge laid in this Public Interest Litigation petition is, that excluding the technical qualifications i.e. the qualification of NAC granted by NCVT and ITI certificate is hazardous and will cause concerns to the public safety for the reason that the candidates to be recruited on the basis of the advertisement which has been issued by the respondents against Level-1 posts are expected to perform certain technical functions. It is his submission, thus, that since these persons are to be employed in engineering sections of the various branches of the Indian Railways as such, the exclusion of the technical qualification is not in public interest.

9. The Ministry of Railways issued a detailed Centralised Employment Notification being (CEN) no. 08/2024 dated 28.12.2024 for recruitment against various vacancies in Level-1 of 7th Central Pay Commission/Pay Matrix. These posts were earlier known as Group-D posts. As per the said employment notification, the posts in various departments such as, electrical, engineering, traffic, signal, etc. are to be filled-in. The qualification prescribed earlier for these posts was 10th pass + NAC granted by NCVT or 10th pass + ITI, however, now the educational qualification prescribed for recruitment to the same posts as per the centralised notification bearing no. 08/2024 is 10th pass or ITI or equivalent or NAC granted by NCVT. Thus, what has been done at present is that for making recruitment to the Level-1 posts apart from those who are having ITI qualification or NAC to their cadets, those candidates have also been held eligible who are only 10th pass.

10. In the entire writ petition, it has not been disclosed as to how the persons



recruited with the qualification of 10th pass only, will not be able to perform the functions of the posts against which the recruitment is going to be made. The petitioner has also not disclosed the nature of the work to be performed by such recruits.

11. It is settled law as held by Hon'ble Supreme Court in ***Zahoor Ahmad Rather v. Imtiyaz Ahmad*, (2019) 2 SCC 404**, that State as the employer is entitled to prescribe the qualification as a condition of eligibility and further that it is no part of the role for function of judicial review to expand on the ambit of the prescribed qualification. It is also equally settled as held in ***Union of India v. Pushpa Rani*, (2008) 9 SCC 242** that as to what should be the recruitment policy, mode of recruitment and other such prescriptions, which shall include the prescription relating to minimum qualifications, etc. for making recruitment against the particular post, lies exclusively in the realm of the employer.

12. If we peruse the order tendered by Sh. Chetan Sharma, learned Additional Solicitor General, which has been passed by the CAT while dismissing O.A. No. 296/2025, what we find is that the said order contains extract of long deliberations made by the authorities of the railways to arrive at a conclusion that the qualification for recruitment to the post in question should also include 10th pass apart from the qualification of ITI or equivalent or NAC. What we, thus, find is that the respondents have taken the decision to prescribe the qualification of 10th pass after adequate deliberation and have arrived at a conscious decision to include such a qualification.

13. As already observed above, the prescription of educational qualifications or any other such prescription relating to recruitment is the prerogative of the employer, judicial review whereof has to be very limited.

14. For the reasons aforesaid, we do not find any good ground to entertain



this writ petition, which is hereby dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

DECEMBER 3, 2025

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