



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1542 of 2026 AND
C.M.P.No.14374 of 2026

M.Thamizharasu

..Appellant

-VS-

1. The Chairman cum Managing Director
NLC India limited,
Corporate Office, Block 1, Neyveli,
Cuddalore District - 607 801.
2. The Deputy General Manager
NLC India Limited,
Corporate Office, Block 1, Neyveli,
Cuddalore District - 607 801
3. The Chief General Manager (HR) /
Recruitment
Recruitment Cell / HR Department,
NLC India limited, Corporate Office,
Block 1, Neyveli,
Cuddalore District - 607 801
4. The Director of Mines
Recruitment Cell / HR Department,
NLC India limited,
Corporate Office, Block 1, Neyveli,
Cuddalore District - 607 801

... Respondents

Prayer: To set aside the order dated 18.03.2023 passed by this Hon'ble Court in W.P.No.47714 of 2025.



For Appellant: Mr.O.Solaiappan

For Respondents: Mr.ARL.Sundaresan, ASG of India
Assisted by Mr.N.Nithianandam

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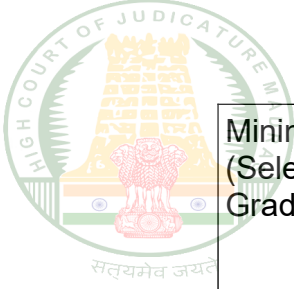
(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 18.03.2023 passed in W.P.No.47714 of 2025. Writ Petitioner is the appellant before this Court.

2. Relief sought for in the writ petition is to direct respondents 1 to 4 to permit the petitioner to participate in the examination to be held for the post of Junior Overman (Trainee) and Sirdar (Selection Grade-I) in Notification vide Advt.No.22/2024.

3. Admittedly, Appellant possesses qualification of B.Tech Mining Engineering with first class. That apart, he holds a Second Class Mine Manager Certificate. Educational qualification prescribed in the Recruitment Notification dated 01.04.2025 is as under:

Posts	Educational Qualification Requirement
Junior Overman (Trainee)	1. Diploma in Mining or Mining engineering or other equivalent qualification approved in that behalf by the Central Government and 2. Valid Overman's Certificate of Competency from DGMS under Coal Mines Regulation 2017 or any certificate in Mining which entitles to work as Overman as per Coal Mines Regulation 2017 and 3. Valid First Aid Certificate.



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Mining (Selection Grade-I)	Sirdar	1. Diploma or Degree in any subject other than Mining Engineering and 2. Mining Sirdar Certificate of Competency issued by DGMS and 3. Valid First Aid Certificate (or) 1. Diploma in Mining with Overman Competency Certificate issued by DGMS and 2. Valid First Aid Certificate
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4. Learned counsel for the appellant would mainly contend that no maximum qualification has been prescribed in the Recruitment Notification and therefore, possession of higher qualification would not be a bar for participating in the process of selection. The candidature of the appellant was rejected on the ground that he possesses higher qualification of B.E/B.Tech Mining Engineering and qualification prescribed for the post of Junior Overman is Diploma in Mining Engineering or other equivalent qualification approved in that behalf by the Central Government. Similarly, qualification prescribed for the post of Mining Sirdar (Selection Grade-I) is Diploma or Degree in any subject other than Mining Engineering. Therefore, appellant is eligible to participate in the process of selection to the post of Junior Overman. However, learned Single Judge has not considered the fact that maximum qualification has not been prescribed in the Recruitment Notification and thus, appellant may be permitted to appear in the written examination, going to be conducted by the respondents.



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5. Per contra, Mr.ARL.Sundaresan, learned Additional Solicitor General of India would oppose, by stating that though maximum qualification has not been prescribed in the Recruitment Notification, exact qualification to be considered has been clearly stipulated in the Notification. Neither minimum qualification has been prescribed nor maximum qualification contemplated. Therefore, candidates, who possess prescribed qualification as notified alone must be considered for selection to the post of Junior Overman and Mining Sirdar.

6. This Court has considered the rival submissions made between the parties to the *lis*.

7. Perusal of educational qualification stipulated in the Recruitment Notification would show that there is no ambiguity in the prescription of educational qualification. No maximum or minimum qualification has been prescribed in the Notification. Candidates possessing a prescribed qualification alone is permitted to participate in the process of selection for the post of Junior Overman and educational qualification prescribed for the said post is Diploma in Mining Engineering or other equivalent qualification approved in that behalf by the Central Government and for the post of Mining Sirdar, Diploma or Degree in any subject other than Mining Engineering. Neither lesser



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qualified candidates nor higher qualified candidates are permitted to participate in the selection process. As far as educational qualification for the post of Mining Sirdar is concerned, it is specifically contemplated as Diploma or Degree in any subject other than Mining Engineering. Since appellant possesses B.E/B.Tech Mining Engineering, he is not eligible to participate in the process of selection to the post of Mining Sirdar.

8. Adverse effects and repercussions regarding selection of over qualified candidates in lower posts have been repeatedly considered by this Court as well as Hon'ble Supreme Court of India. In the case of **The Commissioner, Adi-Dravidar Welfare Department, Chepauk Chennai and others vs. S.Sathish Kumar¹**, a Division Bench of Madurai Bench of Madras High Court held as follows:

“29. Changes required in the matter of appointment of overqualified candidates and the constitutional perspectives:

29.1. The current position of appointing overqualified candidates in Group-IV Services is resulting in unconstitutionality. To remove the inequality and to provide a level playing field amongst the equals, it is necessary to fix minimum educational qualification and maximum educational qualification for selection and appointment to the Group-IV posts. The candidates possessing minimum educational qualification of E.S.L.C., or S.S.L.C., are permanently deprived of their employment opportunity on account of participation of higher qualified candidates in the process of

¹W.A.(MD) Nos.1562 of 2023, etc., batch, decided on 29.11.2023



selection. These lesser qualified candidates cannot compete with the higher qualified candidates in the competitive examinations. Denial of equal opportunity resulting in inequality is infringing the basic rights of the candidates, who all are lesser qualified and longing to secure public employment through open competitive process.

29.2. Persons with limited qualifications have very few job opportunities. By usurping the opportunity of these people, when overqualified persons are appointed, then the balance under Article 14 of the Constitution of India will definitely be tilted. It is not the opinion of the Court that overqualified persons should not be appointed, but that in the process of giving opportunity to the overqualified graduates, the plight of lakhs of lesser qualified persons, who are largely unemployed in our great Nation and whose only source of livelihood depends on these menial jobs must not be forgotten. Constitutional ideal has always been to provide opportunities to all classes of people without any kind of discrimination. This includes the stage for every citizen in this country and to tap the potential of such citizens. But, our country has still not reached the stage of educational ampleness. We are still work in progress. It is no doubt that we will definitely reach great heights in the forthcoming generations. But the reality today must be the concern. The educational disparity exists and some due to financial, social and geographical conditions, are not able to acquire pinnacles of educational profusion. But, that does not mean that they should be denied their opportunity to work in the Government employment for which minimum educational qualifications are enough to carry out the prescribed tasks.

29.3. This Court is not suggesting that overqualified persons are ineligible for menial jobs. But, have we achieved the stage where education has reached the nook and corner of every street? We are working towards it and until we show substantial progress where we have reached the point with every person being graduate with skills of his own, this kind of appointments have to be contemplated. Overqualified persons have jobs of their own competence to compete for and to transgress into jobs specifically requiring lesser qualification will directly strike into Article 14 of the Constitution of India.



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29.4. Furthermore, the potential of overqualified persons must be tapped in for jobs that are in need for such skilled candidates. When a person is more than qualified for the job he is accommodated in, it is not only discourages him, but, may lead to instances where his potential is not used to the fullest, which can simultaneously institute moral degeneration in him / her. A person pursues higher qualifications to ensure that he / she is fully equipped to increase his social, financial and intellectual standard in the society. But, even after acquiring a higher qualification, if he is employed in a menial job requiring very little of his potential, it will dilute his moral and social spirit and may lead to under-performance in the said job. Such disheartened performance in the job not only affects the tasks at hand, but also strikes at his right to get an employment, which is equivalent to the qualification acquired by him.

29.5. In a country like India, though the issue of unemployment still persists, misplaced employment will lead to more serious consequences. The right man for the right job can increase the productivity of the job in hand. When highly qualified persons are appointed at unskilled jobs,

- a) the lesser qualified persons loose their opportunity to get a job;
- b) the higher qualified persons may not be able to deliver the job passionately;
- c) the job also may end up being underperformed, and
- d) highly skilled jobs will loose out on these highly qualified candidates.

29.6. The essence of Human Resource Management is not only ensure that human resources are fully utilized, but also to make sure that the employees are guaranteed a healthy workplace environment and justice cannot be done, if the employees are not satisfied in their respective jobs.

29.7. Prescription of educational qualification for selection is the prerogative of an employer. However, providing equal opportunity in public employment is the constitutional



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mandate. Level playing field is imminent in the process of selection so as to minimize the inequalities and to provide equal opportunity. The State is duty bound to protect the constitutional rights of the citizens. In the event of appointing overqualified candidates in menial jobs, efficiency in public administration may fall down. The current situation is teaching lessons to the administrators, since they are unable to potentially extract work from the overqualified candidates, who all are appointed in Group-IV posts. Even the High Court administration is facing such issues, since the recent appointments to menial jobs are occupied by overqualified candidates, who all are possessing master degrees and professional degrees. The candidates are either reluctant or evasive or tactical or refusing to perform the duties and responsibilities attached to Group-IV services. The ultimate result would be that the administration cannot provide efficient public administration for the benefit of the people at large, which is the mandate under the Constitution. There is an urgent need to amend the Service Rules in this regard by fixing minimum educational qualifications and maximum educational qualifications for selection and appointment to various posts.”

9. Hon'ble Supreme Court of India in the case of **General**

Manager vs. K.Poovarasana², held as follows:

“10. In the present case, it is manifest from the communication dated 20.10.2009 sent by the appellants to the Employment Exchange 5 that the minimum qualification prescribed was a pass in the 8th standard and the maximum qualification prescribed was that the candidate should not have passed the Intermediate or 12th Standard or 10 + 2 Examination. The rationale behind prescribing an upper limit of qualification is both reasonable and equitable, namely, to provide employment opportunities to persons who, owing to circumstances of life, could not pursue higher education. The State, as a model employer, is justified in reserving certain categories of posts for such persons so that they are not compelled to compete with more highly qualified candidates against whom they would ordinarily stand little chance of

²2026 INSC 581



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selection. Such a policy has consistently been upheld by the Courts. Thus, when the post was specifically intended for candidates possessing lower educational qualifications, permitting a person with higher qualifications to secure such employment would necessarily result in depriving a genuinely eligible and deserving candidate of the opportunity.

11. Even if it is assumed that there was no deliberate attempt on the part of the respondent to mislead the authorities at the initial stage, the fact remains that as per the requisition issued by the appellants, only candidates not possessing qualifications higher than the prescribed limit were eligible for consideration. Once it came to light that on the date his name was sponsored by the Employment Exchange, the respondent possessed qualifications beyond the permissible limit, he ceased to be eligible for consideration itself. Consequently, he could not have proceeded to the next stage of selection, and any subsequent action taken by the 6 appellants would not create any enforceable right in his favour to continue in service.”

10. In the case of **Md.Firoz Mansuri vs. The State of Bihar**³, the Apex Court held as follows:

“56. The Supreme Court in **Maharashtra Public Service Commission** (supra) reiterated that the essential qualifications for appointment to a post are for the employer to decide. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being at par with the essential eligibility by an interpretive re-writing of the advertisement. Question 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.

57. **Chief Manager, Punjab National Bank & Anr. v. Anit Kumar Das**, (2021) 12 SCC 80, this Court held that the

³2026 SCC OnLine SC 88,

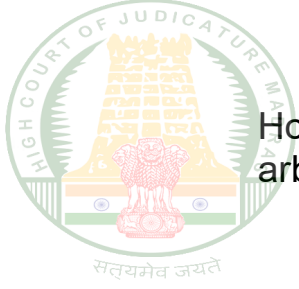


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relevancy and suitability of qualifications lie within the exclusive domain of the employer.

58. In *Uneet Sharma & Ors. v. Himachal Pradesh State Electricity Board Limited & Anr.*, (2021) 16 SCC 340, the issue was whether a degree in Electrical Engineering/Electrical and Electronics Engineering is a technically higher qualification than a diploma in that discipline and whether degree-holders would be eligible for appointment to the post of Junior Engineers (Electrical) under the relevant recruitment rules. The Supreme Court took into consideration the decisions in *Jyoti KK* (supra), *Anita* (supra), *Zahoor Ahmed* (supra) and observed that these were quite different from the facts of this case and permitted degree-holders to apply only because the recruitment rules themselves contemplated such inclusion through express sub-quotas. The Court also relied on a subsequent amendment to the rules declaring that those with higher qualifications are also entitled to apply or be considered for appointment, and thus, allowed the degree-holders also to participate.

59. Therefore, it has been consistently recognised that it is for the employer to determine and decide the relevancy and suitability of qualifications. The power of judicial review in matters of recruitment is limited to examining legislative competence, arbitrariness or violation of fundamental rights, if any. Courts cannot rewrite service rules, determine equivalence of qualifications, or substitute their own assessment for that of the employer. The scope of judicial review in matters of public employment does not extend to questioning the State's wisdom or policy in prescribing the minimum eligibility requirements for a public post. Qualifications are prescribed keeping in view the needs and interests of an institution, an industry or an establishment, as the case may be. 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 assessment of the expediency, advisability or utility of such prescription of qualifications do not warrant intervention of the Courts unless the same are shown to be perverse.

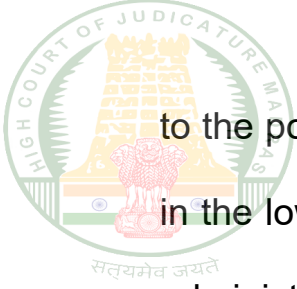


However, at the same time, the employer cannot act arbitrarily in prescribing qualifications for posts.”

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11. Constitutional guarantee of equal opportunity in public employment is the philosophy adopted in above judgments by Courts consistently. To achieve equality in the matter of public employment and to maintain a level playing field amongst persons participating in the open competitive process, prescription of minimum and maximum qualifications for recruitment are approved by Courts. Even in the absence of maximum qualification, actual qualification prescribed in the Recruitment Notification would be read as if higher qualified persons may not be suitable. Assessment of suitability and eligibility is prerogative of employer. Whether a candidate is suitable to hold a particular post or not is the subjective satisfaction and is to be assessed by employer with reference to the selection process as well as educational qualification. Appointing a higher qualified person in a lower post would be an impediment to employer to extract work in an efficient manner and therefore, employer may disqualify such higher qualified persons on account of suitability.

12. One way of considering qualification of a candidate for selection would be of close nexus to the performance of duties attached



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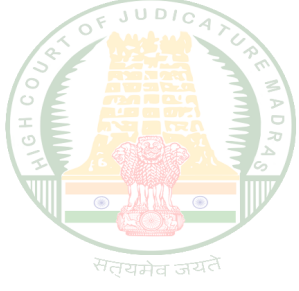
to the post. Since the issue relating to appointing higher qualified person in the lower post had experienced and caused negative impact in public administration, employers developed concept that higher qualified persons are not suitable for a particular post and further, to provide level playing field amongst qualified candidates. Such a concept developed by employers across Country is in tune with Constitutional philosophy and pathos and cannot be construed as illegal. In the present case, appellant is not qualified for one post, since Mining Engineering Degree was excluded in the educational qualification prescribed in the Notification. In respect of other post, he is considered as over qualified person. Thus, this Court does not find any infirmity in respect of the decision arrived by Writ Court, which is in consonance with Constitutional principles.

13. Accordingly, the present Writ Appeal stands dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S.,J.) (N.S.,J.)
11-06-2026

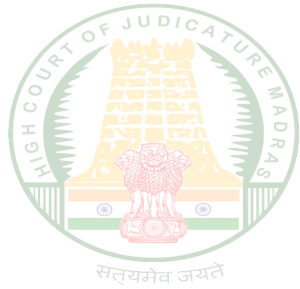
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Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

1. The Chairman-cum-Managing Director,
NLC India limited,
Corporate Office, Block 1, Neyveli,
Cuddalore District - 607 801.
2. The Deputy General Manager,
NLC India Limited,
Corporate Office, Block 1, Neyveli,
Cuddalore District - 607 801.
3. The Chief General Manager (HR) /Recruitment
Recruitment Cell / HR Department,
NLC India limited,
Corporate Office, Block 1, Neyveli,
Cuddalore District - 607 801.
4. The Director of Mines
Recruitment Cell / HR Department,
NLC India limited,
Corporate Office, Block 1, Neyveli,
Cuddalore District - 607 801.



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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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