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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-14402-2022

Date of Decision: 28.04.2026

Bhawani Shankar

.....Petitioner

VERSUS

Punjab State Power Corporation Limited (PSPCL) and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Ashok Giri, Advocate for the petitioner.

Mr. Harpriya Khaneka with Ms. Richa Tayal, Advocate for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of *mandamus* directing the respondents to consider claim of the petitioner for the post of Assistant Sub-Station Attendant (ASSA) as per advertisement dated 21.05.2021 (Annexure P-1), as petitioner having passed the written test and even called for document verification by treating diploma in electronics and communication at par with diploma in electronic engineering as has been held by All India Technical Education Board, New Delhi on 07.06.2022 (Annexure P-10) which is Controlling Body of Technical

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Education. Further praying that during pendency of present writ petition, one post of ASSA may kindly be served for the petitioner.

2. Learned counsel for the petitioner, *inter alia*, submits that the respondent-PSPCL issued advertisement dated 21.05.2021 inviting applications for various technical and non-technical posts, including 290 posts of ASSA. It is contended that the petitioner secured 62nd rank in the merit list and was otherwise eligible and meritorious for appointment. However, his candidature was rejected on the ground that he possesses a Diploma in Electronics Engineering, whereas the prescribed essential qualification was Diploma in Electronics and Communication Engineering. Reliance has been placed upon certificates/communications issued by AICTE and the Board of Technical Education, Rajasthan (Annexures P-6, P-8 and P-10) to contend that both qualifications are equivalent in nature.

3. *Per contra*, learned counsel for the respondents submits that determination of essential qualifications and equivalence thereof squarely falls within the domain of the employer. It is contended that the terms and conditions of the advertisement are binding and cannot be altered after initiation of the selection process. It is further argued that this Court, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, does not sit as an appellate authority to adjudicate upon academic equivalence of qualifications. In support of his submissions, reliance has been placed upon the judgment of this Court in **CWP-14254-2022** titled

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Nipun Syal and others versus State of Punjab and others, decided on 26.08.2025.

4. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the advertisement in question specifically prescribed Diploma in Electronics and Communication Engineering as an essential qualification for the post of ASSA. The petitioner admittedly does not possess the said qualification and instead holds a Diploma in Electronics Engineering.

4.1 The principal contention of the petitioner rests upon the plea of equivalence of qualifications. However, it is a settled proposition of law that the employer is the best judge to determine the requisite qualifications for a particular post, and the Courts ordinarily refrain from interfering in such matters unless the prescription is shown to be arbitrary, irrational or in violation of statutory provisions. No such infirmity has been demonstrated in the present case.

4.2 Further, the issue of equivalence of educational qualifications is a matter falling within the exclusive domain of expert bodies and the recruiting authority. Even assuming that certain authorities have opined on equivalence, the same cannot *ipso facto* bind the employer unless such equivalence has been expressly adopted in the recruitment rules or the advertisement itself. Permitting such equivalence at a belated stage would amount to altering the terms of the advertisement after commencement of the selection process, which is impermissible in law.

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4.3 Reliance placed by the respondents on the judgment in *Nipun Syal* (supra) is well-founded, wherein this Court has categorically held that equivalence cannot be claimed as a matter of right and cannot be enforced through writ jurisdiction in the absence of a specific provision in the recruitment rules.

4.4 Furthermore, reliance in this regard may be placed on the judgment rendered by a two-Judge bench of the Hon'ble Supreme Court in *Ganpath Singh Gangaram Sing Rajput vs. Gulbarga University (2014) 3 SCC 676*, wherein speaking through Justice C.K. Prasad, the following was observed:

“21. ...As is evident from the advertisement, applications were invited for filling up various posts in different subjects including the post of Lecturer in MCA. The advertisement requires post-graduate degree in the ‘relevant subject’. The relevant subject would, therefore, in the context of appointment to the post of Lecturer, mean postgraduate degree in MCA. In our opinion, for appointment to the post of Lecturer, Masters' degree in the Mathematics is not the relevant subject. The advertisement requires Masters' degree in ‘relevant subject’ and not ‘appropriate subject’. In the present case, the Board of appointment has not stated that postgraduate degree in Mathematics is the relevant subject for MCA but in sum and substance it is equivalent to a post-graduate degree in MCA for the reason that Mathematics is one of the subjects taught in MCA. This, in our opinion, was beyond the power of the Board of appointment.”

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22. It shall not make any difference even if Mathematics is taught in the Masters' of Computer Application course. **The learned Single Judge, in our opinion, gravely erred in upholding the contention of Ganpat and the University that 'relevant subject' would mean 'such of those subjects as are offered in the MCA course'.** If Mathematics is taught in a post-graduate course in Commerce, a Masters' degree in Commerce would not be relevant for appointment in Mathematics or for that matter in MCA. There may be a situation in which Masters' degree in MCA is differently christened and such a degree may be considered relevant but it would be too much to say that a candidate having postgraduate degree in any of the subjects taught in MCA would make the holders of a Masters' degree in those subjects as holder of Masters' degree in Computer Application and, therefore, eligible for appointment. **The language of the advertisement is clear and explicit and does not admit any ambiguity and, hence, it has to be given effect to.** Since the appellant Ganpat did not have a Masters' degree in Computer Application, in our opinion, he was not entitled to be considered for appointment as Lecturer in MCA. We are aghast to see that when a candidate possessing Masters' degree in MCA is available, the Board of appointment had chosen an unqualified and ineligible person for appointment in that subject. Its recommendations are, therefore, illegal and invalid. Natural corollary thereof is that the University acting on such recommendation and appointing Ganpat as Lecturer cannot be allowed to do so and that the Division Bench of the High Court was right in setting aside his appointment. In our opinion, an unqualified person cannot be appointed, whoever may be the recommended. We are of the opinion that the Division Bench of the High Court was right in holding that Ganpat was not

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eligible for appointment of Lecturer in Masters' of Computer Application.”

4.5 Furthermore, a two-Judge bench of the Hon’ble Supreme Court in ***Devender Bhaskar and others vs. State of Haryana and others 2022 (1) SCT51***, has opined that the Courts cannot expand the ambit of the prescribed qualifications, nor can they decide on matters pertaining to equivalence of academic qualifications. Speaking through Justice S. Abdul Nazeer, the following was observed:

“21. In Mohammad Shujat Ali & Ors. v. Union of India & Ors (1975) 3 SCC 76, it was held that the question regarding equivalence of educational qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards and practical attainments of such qualifications. It was further held that where the decision of the Government is based on the recommendation of an expert body, then the Court, uninformed of relevant data and unaided by technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government unless it is based on extraneous or irrelevant considerations or actuated mala fides or is irrational and perverse or manifestly wrong.

22. *In J. Ranga Swamy v. Government of Andhra Pradesh and Others, (1990) 1 SCC 288 this Court held that it is not for the court to consider the relevance of qualification prescribed for various posts.*

23. *In State of Rajasthan & Ors. v. Lata Arun, (2002) 6 SCC 252 this Court held that the prescribed eligibility*

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qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It was held thus:

"13. From the ratio of the decisions noted above, it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority."

24. In **Guru Nanak Dev University v. Sanjay Kumar Katwal & Anr., (2009) 1 SCC 610** this Court has reiterated that **equivalence is a technical academic matter. It cannot be implied or assumed.** Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. Dealing specifically with whether a distance education course was equivalent to the degree of MA (English) of the appellant university therein, the Court held that no material had been produced before it to show that the distance education course had been recognized as such.

25. In **Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors. (2019) 2 SCC 404**, it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. **Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification.**

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Equivalence of qualification is a matter for the State, as recruiting authority, to determine.”

(emphasis added)

6. In view of the aforesaid settled legal position, this Court finds no ground to interfere in the decision of the respondents in rejecting the candidature of the petitioner.

7. Consequently, the present writ petition being devoid of merit is hereby dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.04.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No