HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI

Writ Petition No. 1692 of 2025 (SS)

Sadhana --Petitioner

Versus

State of Uttarakhand and another -Respondents

With

Writ Petition No. 1321 of 2025 (SS)

Neha Khetwal --Petitioner

Versus

Uttarakhand Public Service Commission -Respondent

With

Writ Petition No. 1342 of 2025 (SS)

Mahima Rana --Petitioner

Versus

State of Uttarakhand and another -Respondents

With

Writ Petition No. 1345 of 2025 (SS)

Ajeet Rawat and another --Petitioners

Versus

State of Uttarakhand and another -Respondents

With

Writ Petition No. 1418 of 2025 (SS)

Vikram Jeet Singh --Petitioner

Versus

State of Uttarakhand and another -Respondents

With

Writ Petition No. 1427 of 2025 (SS)

Akshay Kumar --Petitioner

Versus

State of Uttarakhand and another -Respondents

Advocates: Mr. B.D. Pande, Advocate with Mr. Gaurav Kandpal, Advocate for the petitioners.
Mr. Sushil Vashisth, Standing Counsel for the State.
Mr. Ashish Joshi, Advocate for Selecting Body

JUDGMENT

1. Since common questions of law and fact are

involved, these writ petitions are heard together and are being decided by this common judgment

Writ Petition No. 1692 of 2025

2. Uttarakhand Public Service Commission issued an advertisement inviting applications for appointment to the posts of Investigator cum Computer and Assistant Statistical Officer on 07.02.2024. Petitioner participated in the selection and her name figured in the provisional merit list; however, at the time of document verification, her candidature was rejected vide order dated 10.06.2025, on the ground that she does not possess 'One Year Diploma in Computer Application'.

3. Petitioner submitted representation enclosing therein the Diploma possessed by her for contending that the qualification possessed by her is equivalent to the qualification required for the post. The representation was rejected on 28.07.2025 by holding that one must possess the qualification mentioned in the applicable Rules and the rules do not provide that any qualification recognized as equivalent to the one mentioned in the Rules, would also be sufficient for appointment. Petitioner has challenged orders dated 10.06.2025 and dated 28.07.2025 in this writ petition.

4. The advertisement dated 07.04.2024 is on record as Annexure-1 to the writ petition. As per the advertisement, besides possessing Bachelor's degree in certain subjects, a candidate should possess either 'O' level Diploma in Computers or One Year Diploma in Computer Science/Computer Application from a recognized University or Institution.

5. Petitioner has enclosed copy of the certificate

possessed by her, which was issued by Aptech Computer Education in her favour on 30.07.2018, which is annexed as Anneuxre-3 to the writ petition. Perusal of the certificate reveals that it was issued to the petitioner upon successful completion of ADSE (Shikhar Project) Course in 'B' Grade. Thus, the name of course pursued by petitioner is ADSE (Shikhar Project), which does not indicate that it was a course of study in Computers.

6. Learned counsel for the petitioner submits that certificate possessed by petitioner is equivalent to one year Diploma in Computer Science/ Computer Application required by the advertisement; moreover, the certificate possessed by petitioner is of a higher level compared to what was required by the advertisement.

7. Per contra, learned counsel appearing for the Selecting Body submits that:

(i) According to the own showing of the petitioner, she do not possess a diploma and the document enclosed as Annexure-3 to the writ petition is only a certificate issued by a private college.

(ii) The certificate possessed by petitioner does not indicate that she passed any course in computer science or computer application.

(iii) Neither in the applicable service rules nor in the advertisement, there is any stipulation that a qualification other than the one mentioned in the rules would also be treated as sufficient if it is found to be recognized as equivalent. He submits that since the rules prescribe a particular qualification for appointment without any liberty to Selecting Body or the employer to relax that qualification or to consider any other qualification which is treated as equivalent to the one required, therefore the selecting body, cannot treat anyone not possessing the requisite qualification, as eligible.

(iv) Petitioner claimed in her online application that she possesses one year diploma in computer application; however, at the time of scrutiny of documents it was found that she neither possesses diploma and the certificate which she possesses is not in the related branch i.e. computer application.

8. Learned counsel for the petitioner relies upon a judgment rendered by Division Bench of this Court in Special Appeal No. 284 of 2023 for contending that Diploma issued by Aptech Computer Education is valid. Perusal of the judgment, however, reveals that appellant in that case was possessing Advanced Diploma in Software Engineering and the Division Bench was dealing with some selection for some other posts, therefore, merely because Diploma possessed by the appellant in that case was declared to be valid for some other selection cannot be sufficient for holding that the certificate possessed by petitioner is also valid for the posts in question.

9. The stand taken by Selecting Body is that in the absence of any stipulation in the applicable rules, no qualification other than the one prescribed by the rules can be treated to be sufficient for appointment and there is no leeway available to the Selecting Body to consider any qualification which is not mentioned in the rules.

10. Hon’ble Supreme Court in the case of Chief Manager, Punjab National Bank and another Vs. Anit Kumar Das, reported as 2020 SCC OnLine SC 897 held that it is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for courts to consider and assess the same. The advertisement for the posts in question provides that

one must possess ‘O’ level Diploma in Computers or One Year Diploma in Computer Science/Computer Application from a recognized University or Institution. When the advertisement or the rules prescribed a particular qualification for appointment to a post, then anyone who does not possess the prescribed qualification cannot be considered for appointment.

11. In the case of Maharashtra Public Service Commission through its Secretary Vs. Sandeep Shriram Warade and others, reported as 2019 (6) SCC 362, Hon’ble Supreme Court held that 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 language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same.

12. Similarly, in the case of Zahoor Ahmad Rather and others Vs. Sheikh Imtiyaz Ahmad and others, reported as (2019) 2 SCC 404, it was held by Hon’ble Supreme Court: that 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. Para 26 of the said judgment is extracted below:

> **“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 : (2013) 3 SCC

> (L&S) 664] in the subsequent decision in *Anita* [*State of Punjab* v. *Anita*, (2015) 2 SCC 170 : (2015) 1 SCC (L&S) 329] . The decision in *Jyoti K.K.* [*Jyoti K.K.* v. *Kerala Public Service Commission*, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] 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.* [*Jyoti K.K.* v. *Kerala Public Service Commission*, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] 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.

13. In the case of State of State of Punjab and others Vs. Anita and other, reported as (2015) 2 SCC 170, Hon'ble Supreme Court held in para 13 that it is imperative for the candidates to possess the statutory qualification prescribed for appointment to the posts, to which they are seeking appointment. Para 13 of the said judgment is extracted below:

> **13.** A perusal of the aforesaid judgments leave no room for any doubt that it is imperative for the candidates to possess the statutory qualification prescribed for appointment to the posts, to which they are seeking appointment. In view of the position declared by this Court, qualifications of BEd and other qualifications possessed by the private respondents, namely, MA, MSc, MCom, etc. cannot be treated as higher qualifications with reference to the prescribed qualifications (JBT/ETT). We, therefore, find the reasons recorded by the DEO in the impugned order dated 4-4-2005 were fully justified, and in consonance with the legal position declared by this Court, as has been noticed hereinabove.

14. The contention raised by learned counsel for the petitioner that the qualification possess by petitioner is higher than what is required for appointment also cannot

be accepted in the absence of any provision in the advertisement or the rules authorizing appointment of persons with higher qualifications. This aspect was dealt with by Hon'ble Supreme Court in the case of State of Punjab Vs. Anita (supra). Para 15 of the said judgment which deals with similar contention is reproduced below:

> **"15.** It was sought to be asserted on the basis of the aforesaid observations, that since the private respondents possess higher qualifications, then the qualification of JBT/ETT, they should be treated as having fulfilled the qualification stipulated for the posts of JBT/ETT Teachers. It is not possible for us to accept the aforesaid submission of the learned counsel for the private respondents, because the statutory rules which were taken into consideration by this Court while recording the aforesaid observations in *Jyoti K.K. case* [*Jyoti K.K.* v. *Kerala Public Service Commission*, (2010) 15 SCC 596] , permitted the aforesaid course. The statutory rule, in the decision relied on by the learned counsel for the private respondents, is extracted hereunder : (SCC p. 598, para 6)
> "*6*. Rule 10(*a*)(*ii*) reads as follows:
> '**10. (*a*)(*ii*)** Notwithstanding anything contained in these Rules or in the Special Rules, the qualifications recognised by executive orders or Standing Orders of Government as equivalent to a qualification specified for a post in the Special Rules *and [**Ed.** : The matter between two asterisks has been emphasised in original as well.] such of those higher qualifications which presuppose the acquisition of the lower qualification prescribed for the post shall also be sufficient for the post* [**Ed.** : The matter between two asterisks has been emphasised in original as well.] .'"
> (emphasis supplied)
> A perusal of the Rule clearly reveals that the possession of higher qualification would presuppose the acquisition of the lower qualification prescribed for the posts. Insofar as the present controversy is concerned, there is no similar statutory provision authorising the appointment of persons with higher qualifications.

15. Even otherwise also, in the present case, petitioner do not possess Diploma and the document which she relies on is merely a certificate. In the certificate possessed by petitioner, there is nothing to indicate that the course which she pursued was in Computer Science or Computer Application. Nomenclature of the course as ADSE (Shikhar Project) does not make any sense; therefore, rejection of petitioner's candidature by the Selecting Body cannot be interfered with. The writ petition fails and is dismissed.

Writ Petition No. 1321 of 2025 (SS)

16. All other facts of this case are similar to that of Writ Petition No. 1692 of 2025 (SS), and the only difference is that petitioner was selected for the post of Assistant Statistical Officer Group-II (Agriculture and Farmer Welfare Department) for which the qualification required was Post Graduate Degree in Mathematics, Statistics, Mathematical Statistics, Economics, Commerce with 'O' level Diploma in Computers.

17. In her online application, petitioner mentioned that she possesses 'O' level Diploma in Computers; however, at the time of document verification, Selecting Body found that she possesses a certificate issued by Aptech Computer Education in 'ADSE (Shikhar Project) Course'. Her candidature was rejected on 10.06.2025 on the ground that she does not meet the eligibility conditions as mentioned in the advertisement. She made a representation which was rejected on 28.07.2025 by holding that she do not possess the qualification as mentioned in the advertisement, namely, 'O' level Diploma in Computers.

18. Since petitioner does not possess 'O' level Diploma in Computers from a recognized Institution and she relied on a certificate which does not indicate that the course of study pursued by petitioner was in Computer Science or Computer Application, therefore, decision taken by Selecting Body of rejecting petitioner's candidature cannot be faulted. There is no material on record which may substantiate that certificate possessed by petitioner is equivalent to 'O' level diploma.

19. Learned counsel for the petitioner submits that the

qualification possessed by petitioner in the field of computer is much higher than what was required. This Court cannot express any opinion on this question as Public Service Commission consists of subject experts and the experts have taken a decision, holding that the qualification possessed by petitioner is not as per rules, therefore, this Court cannot examine the question whether the qualification possessed by petitioner is of higher standard or of a lower level.

20. Hon'ble Supreme Court in the case of Chief Manager, Punjab National Bank and another Vs. Anit Kumar Das, reported as 2020 SCC OnLine SC 897 held that it is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for courts to consider and assess the same. The advertisement for the posts in question provides that one must possess 'O' level Diploma in Computers or One Year Diploma in Computer Science/Computer Application from a recognized University or Institution. When the advertisement or the rules prescribed a particular qualification for appointment to a post, then anyone who does not possess the prescribed qualification cannot be considered for appointment.

21. In the case of Maharashtra Public Service Commission through its Secretary Vs. Sandeep Shriram Warade and others, reported as 2019 (6) SCC 362, Hon'ble Supreme Court held that 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

language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same.

22. Similarly, in the case of Zahoor Ahmad Rather and others Vs. Sheikh Imtiyaz Ahmad and others, reported as (2019) 2 SCC 404, it was held by Hon'ble Supreme Court that 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. Para 26 of the said judgment is extracted below:

> **"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 : (2013) 3 SCC (L&S) 664] in the subsequent decision in *Anita* [*State of Punjab* v. *Anita*, (2015) 2 SCC 170 : (2015) 1 SCC (L&S) 329] . The decision in *Jyoti K.K.* [*Jyoti K.K.* v. *Kerala Public Service Commission*, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] 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.* [*Jyoti K.K.* v. *Kerala Public Service Commission*, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] 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.

23. In the case of State of State of Punjab and others

Vs. Anita and other, reported as (2015) 2 SCC 170, Hon'ble Supreme Court held in para 13 that it is imperative for the candidates to possess the statutory qualification prescribed for appointment to the posts, to which they are seeking appointment. Para 13 of the said judgment is extracted below:

> **13.** A perusal of the aforesaid judgments leave no room for any doubt that it is imperative for the candidates to possess the statutory qualification prescribed for appointment to the posts, to which they are seeking appointment. In view of the position declared by this Court, qualifications of BEd and other qualifications possessed by the private respondents, namely, MA, MSc, MCom, etc. cannot be treated as higher qualifications with reference to the prescribed qualifications (JBT/ETT). We, therefore, find the reasons recorded by the DEO in the impugned order dated 4-4-2005 were fully justified, and in consonance with the legal position declared by this Court, as has been noticed hereinabove.

24. The contention raised by learned counsel for the petitioner that the qualification possessed by petitioner is higher than what is required for appointment, also cannot be accepted in the absence of any provision in the advertisement or the rules authorizing appointment of persons with higher qualifications. This aspect was dealt with by Hon'ble Supreme Court in the case of State of Punjab Vs. Anita (supra). Para 15 of the said judgment which deals with similar contention is reproduced below:

> **"15.** It was sought to be asserted on the basis of the aforesaid observations, that since the private respondents possess higher qualifications, then the qualification of JBT/ETT, they should be treated as having fulfilled the qualification stipulated for the posts of JBT/ETT Teachers. It is not possible for us to accept the aforesaid submission of the learned counsel for the private respondents, because the statutory rules which were taken into consideration by this Court while recording the aforesaid observations in *Jyoti K.K. case* [*Jyoti K.K.* v. *Kerala Public Service Commission*, (2010) 15 SCC 596] , permitted the aforesaid course. The statutory rule, in the decision relied on by the learned counsel for the private respondents, is extracted hereunder : (SCC p. 598, para 6)
> "*6*. Rule 10(*a*)(*ii*) reads as follows:
> '**10. (*a*)(*ii*)** Notwithstanding anything contained in these Rules or in the Special Rules, the qualifications recognised by executive orders or Standing Orders of Government as equivalent to a qualification specified for a post in the Special Rules *and [**Ed.** : The matter between two asterisks has been emphasised in original as well.] such of those higher qualifications which presuppose the acquisition of the lower qualification prescribed for the post shall*

> *also be sufficient for the post* [**Ed.** : The matter between two asterisks has been emphasised in original as well.] .'"
>
> (emphasis supplied)
>
> A perusal of the Rule clearly reveals that the possession of higher qualification would presuppose the acquisition of the lower qualification prescribed for the posts. Insofar as the present controversy is concerned, there is no similar statutory provision authorising the appointment of persons with higher qualifications.

Writ Petition No. 1342 of 2025 (SS)
Writ Petition No. 1345 of 2025 (SS)
Writ Petition No. 1418 of 2025 (SS)
Writ Petition No. 1427 of 2025 (SS)

25. Petitioner's candidature for appointment to the post of Assistant Statistical Officer/Assistant Research Officer (Department of Finance and Statistics) was rejected on the ground that the qualification possessed by her is not as required by the advertisement.

26. As per the advertisement, one must possess 'O' level Diploma in Computers or One Year Diploma in Computer Science/Computer Application from a recognized University/Institution, in addition to Post Graduate Degree in certain courses specified in the advertisement.

27. Admittedly, petitioner possesses Advanced Diploma in Information Technology course from a private institution namely I.T. Computer Education. Learned counsel for the petitioner submits that duration of said course was 15 months, therefore, it is at a higher level compared to One Year Diploma in Computer Science/Computer Application. He further submits that the curriculum of the course pursued by petitioner was the same as that of One Year Diploma in Computer Science/Computer Application.

28. Learned counsel appearing for the Public Service Commission, however, submit that since the

advertisement requires that one should possess One Year Diploma in Computer Science/Computer Application while the Diploma possessed by petitioner is in a different stream/branch, therefore, she was rightly declared to be ineligible. He submits that the Selecting Body cannot consider any other qualification by treating it to be equivalent to the one specified in the advertisement in the absence of any enabling provision, therefore, the Selecting Body had no other option but to reject the candidature of the petitioner.

29. He further submits that in her online application, petitioner mentioned her qualification as One Year Diploma in Computer Science, while upon verification, the diploma possessed by petitioner was found in a different stream/branch, therefore, the Selecting Body had no other option but to reject her candidature.

30. Learned counsel for the Selecting Body further submits that petitioners have relied upon a Government Order dated 05.05.2022 for contending that the Diploma possessed by her is equivalent to One Year Diploma in Computer Science/Application. He submits that the said Government Order was issued by State of Uttar Pradesh in 2022, therefore, it cannot have any application in State of Uttarakhand. He submits that State of Uttarakhand has not recognized the institution, which awarded Diploma in favour of the petitioners.

31. This Court finds substance in the submission made by learned counsel for the Selecting Body.

32. The Selecting Body is bound by applicable rules or the conditions of eligibility mentioned in the advertisement. As per the advertisement, qualification

required is ‘O’ level Diploma in Computers or One Year Diploma in Computer Science/Computer Application. Since the advertisement is silent regarding equivalent qualification, therefore, Selecting Body could not have considered any qualification other than those mentioned in the advertisement. Other qualification declared as equivalent can be considered only when there is a provision to that effect in the rules or the advertisement.

33. Hon’ble Supreme Court in the case of Chief Manager, Punjab National Bank and another Vs. Anit Kumar Das, reported as 2020 SCC OnLine SC 897 held that it is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for courts to consider and assess the same. The advertisement for the posts in question provides that one must possess ‘O’ level Diploma in Computers or One Year Diploma in Computer Science/Computer Application from a recognized University or Institution. When the advertisement or the rules prescribed a particular qualification for appointment to a post, then anyone who does not possess the prescribed qualification cannot be considered for appointment.

34. In the case of Maharashtra Public Service Commission through its Secretary Vs. Sandeep Shriram Warade and others, reported as 2019 (6) SCC 362, Hon’ble Supreme Court held that 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 language of the advertisement and the rules are clear,

the Court cannot sit in judgment over the same.

35. Similarly, in the case of Zahoor Ahmad Rather and others Vs. Sheikh Imtiyaz Ahmad and others, reported as (2019) 2 SCC 404, it was held by Hon'ble Supreme Court that 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. Para 26 of the said judgment is extracted below:

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36. While dealing with similar argument of higher qualification, Hon'ble Supreme Court in the case of State

of State of Punjab and others Vs. Anita and other, reported as (2015) 2 SCC 170, held as under:

> **"15.** It was sought to be asserted on the basis of the aforesaid observations, that since the private respondents possess higher qualifications, then the qualification of JBT/ETT, they should be treated as having fulfilled the qualification stipulated for the posts of JBT/ETT Teachers. It is not possible for us to accept the aforesaid submission of the learned counsel for the private respondents, because the statutory rules which were taken into consideration by this Court while recording the aforesaid observations in *Jyoti K.K. case* [*Jyoti K.K.* v. *Kerala Public Service Commission*, (2010) 15 SCC 596] , permitted the aforesaid course. The statutory rule, in the decision relied on by the learned counsel for the private respondents, is extracted hereunder : (SCC p. 598, para 6)
> "*6*. Rule 10(*a*)(*ii*) reads as follows:
> '**10. (*a*)(*ii*)** Notwithstanding anything contained in these Rules or in the Special Rules, the qualifications recognised by executive orders or Standing Orders of Government as equivalent to a qualification specified for a post in the Special Rules *and [**Ed.** : The matter between two asterisks has been emphasised in original as well.] such of those higher qualifications which presuppose the acquisition of the lower qualification prescribed for the post shall also be sufficient for the post* [**Ed.** : The matter between two asterisks has been emphasised in original as well.] .'"
> (emphasis supplied)
> A perusal of the Rule clearly reveals that the possession of higher qualification would presuppose the acquisition of the lower qualification prescribed for the posts. Insofar as the present controversy is concerned, there is no similar statutory provision authorising the appointment of persons with higher qualifications.

37. Thus the challenge thrown by petitioner to the orders dated 10.06.2025 and 28.07.2025, whereby her candidature was rejected, is without any force.

38. Law is well settled that a candidate who do not possess the qualification prescribed in the Rules, cannot be considered for appointment. The question of equivalence can be examined by the Selecting Body only when the Rules contain a provision that a qualification which is treated as equivalent to the mentioned qualification would be treated as sufficient for appointment. Since the rules and the advertisement are absolutely silent on the said aspect, therefore, Selecting Body could not have treated petitioners as eligible, when they do not possess the qualification required by the

rules.

39. Learned counsel for the petitioners submits that there are other candidates who were appointed to the post in question based on same qualification. Since candidates who were wrongly appointed are not before this Court and there is no challenge thrown to their appointment, therefore, this Court declines to go into that question at this stage. The writ petitions fail and are dismissed.

40. No order as to costs.

MANOJ KUMAR TIWARI, J.

Dt: 21.04.2026
Mahinder

MAHINDER SINGH
Digitally signed by MAHINDER SINGH
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