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

+ **W.P.(C) 16147/2023, CM APPL. 81291/2025**

NAMO NARAYAN SINGH

.....Petitioner

Through: Mr. Anshuman Mehrotra, Advocate
with Petitioner in person.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Rajesh Gogna, CGSC with
Mr. Vivek Nagar, GP for R-1, 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **23.01.2026**

CM APPL. 81291/2025 (for early hearing)

1. This application seeks early hearing of the above-captioned writ petition.
2. With the consent of counsel for the parties, the main petition is called on board.
3. The application is disposed of.

W.P.(C) 16147/2023

4. This writ petition is directed against communication dated 6th November, 2023 issued by Kendriya Vidyalaya Sangathan/Respondent No. 3,¹ informing the Petitioner that he was not found eligible for appointment to the post of Assistant Section Officer² in terms of the Kendriya Vidyalaya Sangathan Recruitment Rules. The Petitioner seeks a direction that his

¹ "KVS"



experience as Head Constable (Ministerial) in the Border Security Force³ be treated as equivalent to experience as Upper Division Clerk,⁴ and that he be appointed as ASO at par with candidates of the same selection, with consequential benefits.

5. The material facts are not in dispute. The Petitioner was serving as Head Constable (Ministerial) in the BSF. He applied for the post of ASO pursuant to the recruitment advertisement issued by Respondent No. 3 under the Economically Weaker Section category. The relevant extract of the advertisement reads as under:

***“DETAILED ADVERTISEMENT NO. 15/2022
Direct Recruitment of Officers, Teaching and Non-Teaching Staff in
Kendriya Vidyalaya Sangathan***

Kendriya Vidyalaya Sangathan (KVS), henceforth mentioned as KVS, is an Autonomous Organization under the Ministry of Education, Department of School Education & Literacy, Government of India. It has its Headquarters office at New Delhi, 25 Regional offices located at Agra, Ahmedabad, Bengaluru, Bhopal, Bhubaneswar, Chandigarh, Chennai, Dehradun, Delhi, Ernakulam, Gurgaon, Guwahati, Hyderabad, Jabalpur, Jaipur, Jammu, Kolkatta, Lucknow, Mumbai, Patna, Raipur, Ranchi, Silchar, Tinsukia, Varanasi and 1252 Kendriya Vidyalayas (KVs) functioning all over the country including 03 abroad. It also has five Zonal Institutes of Education & Training (ZIETs). KVs are co-educational schools upto class 12th and focuses on holistic development of students.

KVS invites applications from Indian Citizens for filling up the posts of Assistant Commissioner, Principal, Vice Principal, PGT, TGT, Librarian, PRT (Music), Finance Officer, Assistant Engineer (Civil), Assistant Section Officer, Senior Secretariat Assistant, Junior Secretariat Assistant, Stenographer Grade-II and Hindi Translator in Kendriya Vidyalaya Sangathan to apply online through the KVS website www.kvsangathan.nic.in. No other means/mode of submission of applications will be accepted.

The recruitment examination will be conducted through Computer Based

² “ASO”

³ “BSF”

⁴ “UDC”



Test (CBT) If selected, the candidates may be posted anywhere in India on initial posting as per the requirement of the organization.

The details of post wise and category wise breakup of number of tentative vacancy (Includes actual as well as anticipated vacancies on account of retirement/promotion etc.)

(Vacancies are tentative and may increase or decrease) are as under:

xx.....xx.....xx

ASSISTANT SECTION OFFICER

UR	OBC (NCL)	SC	ST	EWS	Total	OH	VH	HH	Others*
65	42	23	11	15	156	2	2	1	0

xx.....xx.....xx

ASSISTANT SECTION OFFICER

PAY SCALE : LEVEL - 6 Rs. 35400-112400/in the Pay Matrix

AGE LIMIT: Maximum-35 years

Post Name	Qualification(s) & Experience
Assistant	Essential: Graduate with 3 years' experience as UDC in Central/State Govt./Autonomous Bodies/Public Sector Undertakings. Desirable: Knowledge of Computer Applications

6. The Petitioner appeared in the Computer Based Test, was shortlisted for document verification, and obtained the requisite No Objection Certificate from the BSF. Thereafter, when the provisional list of selected candidates was published in October 2023, the Petitioner's name did not find place in the list.

7. The Petitioner submitted a complaint dated 29th October, 2023. In response, Respondent No. 3 issued the impugned communication dated 6th November, 2023, stating, in substance, that the Petitioner was not holding the post of "UDC" in his department and therefore did not satisfy the experience requirement prescribed for ASO. The text of the letter reads as follows:

"Kendriya Vidyalaya Sangathan (HQ)



*An Autonomous Body under Ministry of Education, Govt. of India
18, Institutional Area, S.J.S. Marg, New Delhi-110016
Website: www.kvsangathan.nic.in*

Through Speed Post / E-mail

F.11011/2/2023/KVS/HQ/R.P.S./3227

Dated: 06.11.2023

*Namo Narayan Singh
Bhojpur
Rk52996@gmail.com*

Subject: With regard to the complaint dated 29.10.2023 received on 31.10.2023 in terms of PMOPG/E/2023/0232974 through CPGRAM

Sir,

In reference of your grievance letter dated 29.10.2023 referring to the qualifications required for the post of Assistant Section Officer, it is submitted that as per your documents you are not posted in the rank of UDC in your Department. In Kendriya Vidyalayas, the Recruitment Rules for the post of Assistant Section Officers are as mentioned below:

“Graduates with of wears experience as LDC in Central State Govt Autonomous Bodies/ Public Sector Undertaking”.

Hence, in terms of Kendriya Vidyalaya Recruitment Rules, you are not found eligible for the post of Assistant Section Officer.

Yours sincerely,

Sd/-

06.11.2023

(Aditya Sharma)

Administrative Officer (RPS)”

8. Mr. Anshuman Mehrotra, counsel for the Petitioner, along with the Petitioner appearing in person, submits that the rejection proceeds on nomenclature rather than substance. According to the Petitioner, Head Constable (Ministerial) is a ministerial/clerical post performing duties comparable to those of a UDC. It is urged that KVS could not disregard equivalence merely because BSF uses a different designation. Reliance is also placed on the pay level attached to the Petitioner's post. He further



argues that the mere difference in nomenclature between the posts of LDC/UDC cannot be determinative, when the nature of duties and responsibilities are substantially similar. In support of the plea of equivalence, reliance is placed on the No Objection Certificate issued by the BSF, which, according to the Petitioner, fortifies his claim. Mr. Mehrotra submits that, as per the applicable pay matrix, the Petitioner, while serving as Head Constable (Ministerial) in the BSF, was placed in the pay band of ₹5,200-20,200 with Grade Pay of ₹2,400, which corresponds to the same pay level as that of UDC under the 6th Central Pay Commission. He further points out that, under the 7th Central Pay Commission, the pay matrix applicable to the post of Head Constable (Ministerial) in the BSF as well as to the post of UDC in KVS is Level-4, carrying the pay scale of ₹25,500-81,100.

9. Mr. Rajesh Gogna, counsel appearing for the BSF and KVS, opposes the petition. He submits that UDC is a distinct civil post under a defined ministerial hierarchy, whereas Head Constable (Ministerial) is governed by a separate service structure applicable to a Central Armed Police Force. The two posts are distinct in eligibility, service conditions, hierarchy and pay structure. Therefore, the Petitioner, not possessing the prescribed essential qualification, cannot claim any right for consideration or appointment to the post of ASO in KVS. He further submits that the pay structure applicable to the post of UDC in government service (Pay Level 4 with a pay band of ₹25,500-81,100 under the 7th Central Pay Commission) is distinct from that of Head Constable (Ministerial) in the BSF, with a pay band of ₹5,200-20,200 with Grade Pay of ₹2,400 under the 6th Central Pay Commission. It is urged that equating the two posts would amount to rewriting the



Recruitment Rules, which is impermissible in law. Accordingly, he contends that the plea of equivalence raised by the Petitioner is wholly misconceived, unsupported by either law or fact, and that the two posts are not administratively interchangeable.

10. The Court has considered the aforementioned contentions. The recruitment condition, as reflected in the advertisement and the case set up by both sides, contemplates graduation coupled with experience in the ministerial/clerical stream at a defined level of responsibility, described in the pleadings as experience “as UDC” in Central/State Government, autonomous bodies or public sector undertakings”. In public recruitment, the recruiting authority must adhere to the Recruitment Rules. At the same time, where the rule uses a designation to denote a level of ministerial experience, and different government organisations use different designations for substantially similar ministerial functions, the eligibility condition cannot be applied as a bare label test. A purely nomenclature-driven approach risks excluding candidates who, in substance, meet the requirement.

11. Two aspects bear directly on the question of equivalence in the present case. First, the Petitioner belongs to the ministerial cadre of the BSF and holds the post of Head Constable (Ministerial). The cadre itself is ministerial, and the post is not in the combat stream. The Petitioner asserts that the duties discharged are clerical and administrative in character. This assertion has not been met with any material from KVS showing that the ministerial functions performed by a Head Constable (Ministerial) are alien to clerical work or are of a materially different nature such that the experience would be irrelevant to the post of ASO. There is no indication that KVS applied its mind to the ministerial nature of the Petitioner’s cadre,



the functions attached to the post of Head Constable (Ministerial), or the objective indicator of the pay level. The decision therefore suffers from a failure to consider relevant material and, in that sense, becomes vulnerable to interference.

12. Second, the pay structure provides an objective indicator of status and responsibility. The post of Head Constable (Ministerial) carried a Grade Pay of ₹2,400 under the 6th Central Pay Commission, corresponding to that of an Upper Division Clerk. Likewise, under the 7th Central Pay Commission, both posts are placed at Pay Level-4, carrying the pay scale of ₹25,500-81,100. While pay parity is not, by itself, conclusive of equivalence, it is a relevant factor which a recruiting authority is expected to consider, particularly when the rejection is founded solely on the absence of a matching designation.

13. In these circumstances, the impugned communication dated 6th November, 2023 cannot be sustained. The rejection rests on an unduly rigid reading of the eligibility condition, confined to nomenclature, without examining the substance of the experience requirement.

14. This Court also notes that, by an interim order dated 30th April, 2024, one post of ASO under the EWS category was directed to be kept vacant, based on a *prima facie* view on equivalence.

15. The petition is therefore disposed of with the following directions:

15.1. The communication dated 6th November, 2023 is quashed.

15.2. KVS shall treat the Petitioner's experience as Head Constable (Ministerial) in the BSF as experience equivalent to that of a UDC for the purpose of the recruitment in question, and shall consider the Petitioner for appointment to the post of ASO against the EWS vacancy kept vacant



pursuant to the interim order dated 30th April, 2024.

15.3. The Petitioner's appointment shall be at par with the batch of the same selection and the Petitioner shall be extended consequential benefits in accordance with law.

16. With the above directions, the petition stands disposed of. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

JANUARY 23, 2026

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