



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

**CWP-22511-2021 (O & M)**  
**Date of Decision:20.05.2025**

Satish Kumar

.....Petitioner(s)

Versus

Haryana Staff Selection Commission and another

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Gagandeep Singh, Advocate,  
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Anurag Goyal, Advocate,  
And Mr. Nikhil Lather, Advocate,  
for respondent No.2.

**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent to consider him for the post of Sub Inspector after granting weightage for additional qualification.

2. The petitioner pursuant to Advertisement No.3/2021 dated 15.06.2021 applied for the post of Sub Inspector (Male). He applied under BCB category. He cleared different tests conducted by Recruitment Board, however, could not finally be selected because of being lower in merit.



3. Mr. Gagandeep Singh, learned counsel for the petitioner submits that petitioner was wrongly denied weightage despite having additional qualification. The petitioner is possessing dual degree of B.Tech-M.Tech in Converging Technologies from University of Rajasthan. As per terms and conditions of advertisement, he was entitled to 7 marks i.e. 4 for Graduation and 3 for Post Graduation. The University of Rajasthan vide letter dated 22.02.2024 has confirmed that B.Tech-M.Tech dual degree is at par with courses being taught in the prestigious Indian Technical Institutes in B.Tech-MTech (Computer Science). It not only includes complete syllabus of computer science but has some additional syllabus related to Nano-technology, Bio-technology, Cognitive science/Psychology being used in forensic science and criminology.

4. *Per contra*, Ms Palika Monga, DAG, Haryana and Mr. Anurag Goyal, learned counsels for the respondents submit that degrees as possessed by petitioner may be equivalent to degree contemplated in advertisement, however, marks cannot be awarded for aforesaid degrees because advertisement categorically mandates that equivalent degrees shall not be considered.

5. I have heard the arguments and perused the record.

6. The controversy revolves around reading of terms and conditions of advertisement whereby applications were invited for the post of Sub Inspector. Relevant extracts of the advertisement read as under:-



**“Additional qualification: (10% weightage):- (10 Marks)**

- (a) *All candidates who have qualified the Physical Measurement Test shall be called for scrutiny of documents. All other candidates shall stand eliminated from further process of selection.*
- (b) **i) For Sub-Inspector:-** *Education (maximum 07 marks): 04 Marks for the candidate with higher education i.e. a Graduation degree in Law, Computer Engineering/Science, Forensic Medicine, Forensic Science, Police Science and Criminology (which-take 04 or more years after 10+2 to get a specialized degree) issued from a recognized university and additional three (03) marks for a Post Graduate degree in any of the aforementioned streams issued from a recognized university. No equivalent degrees shall be considered.*
- (C) *NCC Certificate (maximum 03 marks): Candidate having NCC certificate of A, B or C level shall get 01, 02 and 03 marks respectively (for both constables and Sub-Inspector).*

**Note** *Candidate should produce certificate upto cut of date and same should be uploaded with application form. Only uploaded certificate shall be considered at the time of Scrutiny.”*

*[Emphasis supplied]”*

7. From the perusal of aforesaid clause of the advertisement, it is evident that equivalent degree cannot be considered. The Recruitment Board was very clear in its mind that equivalent degrees would not be



considered. As per aforesaid clause, Graduation should be in Law, Computer Engineering/Science, Forensic Medicine, Forensic Science or Police Science and Criminology. The petitioner is possessing B.Tech-M.Tech dual degree in Converging Technologies. At the bottom of the degree, it is mentioned that degree is in the stream of Information and Communication Technology. In the advertisement, Information and Communication Technology is not considered along with degree in Computer Engineering/Science. The letters issued by University manifest that degree obtained by petitioner is equivalent to degrees contemplated in the advertisement.

8. In ***Ankita Thakur v. H.P. Staff Selection Commission, 2023 SCC OnLine SC 1472***, the Supreme Court has held that in the absence of rules or advertisement, qualification may be higher or equivalent to the one specified, cannot be entertained and candidature of the applicant shall be rejected. Relevant extracts of ***Ankita Thakur (supra)*** are reproduced as below:

*“56. Neither the 2014 Rules nor the advertisement recognises any other, or higher qualification, meeting the eligibility criteria specified therein. In a somewhat similar situation, in Zahoor Ahmad Rather (supra), this Court held:*

*“26. .... 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]* 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.....*

*27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596]* must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596]* turned.””*

***[Emphasis Supplied]***



9. A conspectus of the judgments on the issue reveals that recruitment agency after commencement of selection process cannot change eligibility criteria other than immaterial terms and conditions of the advertisement unless and until rules/advertisement permit and all the affected parties are informed well in advance. The terms and conditions of advertisement cannot be contrary to applicable rules. Amendment in advertisement or change in criteria after commencement of selection process is bad in the eye of law. Qualification other than jotted down in the advertisement or rules cannot be considered irrespective of higher or equivalent.

10. In the wake of aforesaid judgment and categoric condition of the advertisement that equivalent degree shall not be considered, this Court does not find any ground to direct the respondent to grant weightage to the petitioner for additional qualification. Instant petition deserves to be dismissed and accordingly dismissed.

11. Pending application, if any, shall also stand disposed of.

20.05.2025  
shivani

(JAGMOHAN BANSAL)  
JUDGE

Whether reasoned/speaking  
Whether reportable

Yes  
Yes