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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.3169 of 2015

Reshamlal Pradhan, S/o Vsatram Pradhan, aged about 26 years, R/o Village Nadigaon, Post Nadigaon, Tahsil Baramkela, District Raigarh, C.G.

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Technical Education, Office situated at Mahanadi Bhawan, New Raipur, District Raipur, C.G.

2. Chhattisgarh Public Service Commission, Through Secretary, Office at Shankar Nagar, Bhagat Singh Square, District Raipur, C.G.

---- Respondents

For Petitioner: Mr. Praveen K. Dhurandhar, Advocate.

For Respondent No.1/State: -

Mr. Prafull Bharat, Addl. A.G.

For Respondent No.2: -

Mr. Ashish Shrivastava and Mr. Soumya Rai, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/12/2015

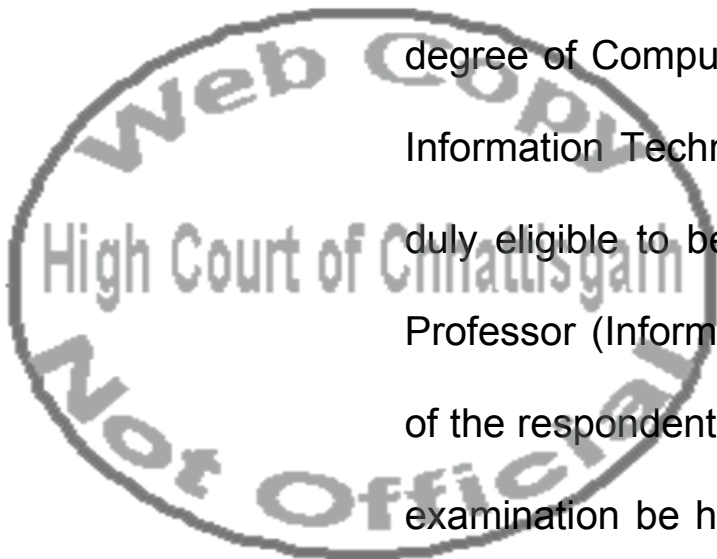
1. Distinguished issue that has cropped up for consideration is whether this Court in its jurisdiction under Article 226 of the Constitution of India can draw equivalence of two educational qualifications and declare equivalence, that too after initiation of recruitment process.

2. The Chhattisgarh Public Service Commission (for short 'the PSC') issued an advertisement on 15-7-2015 inviting applications from eligible candidates for recruitment on the post of Assistant Professor in different branches viz., Civil, Electrical, Electronics & Telecommunication, Information Technology, Mechanical and Mining, in Engineering Colleges, laying down the requisite educational qualification for the said posts to be Graduate in relevant branch and Post-Graduate degree i.e. M.E./M.Tech. in first class. The petitioner claiming to be eligible candidate as having Graduate degree in Information Technology and having M.Tech. in Computer Science made an attempt to submit application on-line in which he remained unsuccessful, as he does not have the post-graduate degree in Information Technology. Thereafter, the petitioner made representation to respondent No.2 highlighting his difficulty and claimed candidature but in that also he remained unsuccessful. Thereafter, he filed writ petition under Article 226 of the Constitution of India questioning the action of respondent No.2 holding him disqualified for the post of Assistant Professor (Information Technology) stating inter alia that the post-

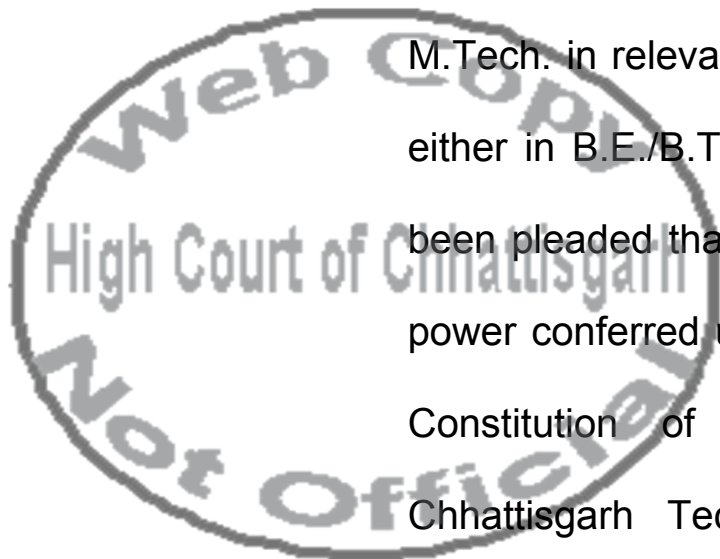


graduate degree of Computer Science is equivalent to the post-graduate degree of Information Technology which is apparent from the syllabus prescribed in the advertisement and the PSC has also permitted one candidate Bheem Prasad Ram who is similarly situated having same qualification as the petitioner is and also brought to the notice of the Court that University of Mumbai by its notification dated 10-2-2012 held the degree of Computer Science to be equivalent to that of Information Technology and, therefore, the petitioner is duly eligible to be considered for the post of Assistant Professor (Information Technology) as such, the action of the respondents in not permitting him to appear in the examination be held to be void and inoperative and an appropriate writ be issued commanding the respondents to allow him to appear in the examination as eligible candidate for the post of Assistant Professor (Information Technology), and consequential writ / direction be issued.

3. Return has been filed by the respondent State of Chhattisgarh stating inter alia that in exercise of powers conferred under sub-section (1) of Section 23 read with Sections 10 (i) & (v) of the All India Council for

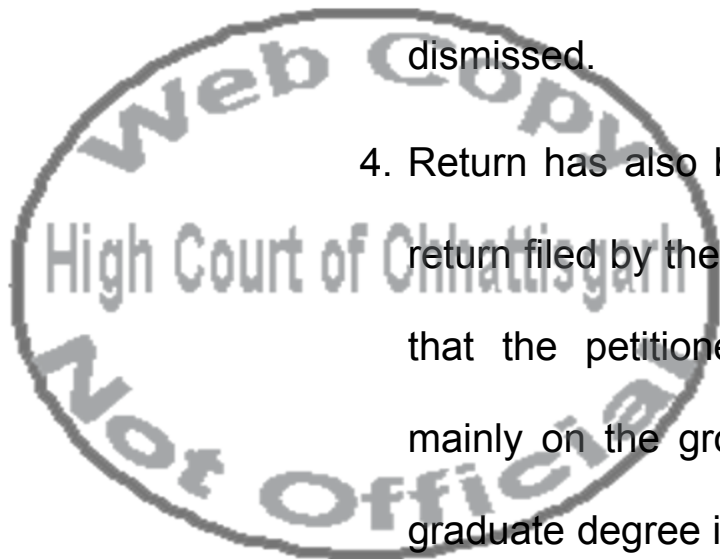


Technical Education Act, 1987, Regulations known as “the All India Council for Technical Education [Pay Scales, Service Conditions and Qualifications for the Teachers and other Academic Staff in Technical Institutions (Degree)] Regulations, 2010” (for short 'the AICTE Regulations') has been framed which lays down the qualification for the post of Assistant Professor (Information Technology) to be B.E./B.Tech. and M.E./M.Tech. in relevant branch with first class or equivalent either in B.E./B.Tech or M.E. / M.Tech.. It has further been pleaded that the State Government in exercise of power conferred under the proviso to Article 309 of the Constitution of India framed rules namely “the Chhattisgarh Technical Education (Teaching cadre-Engineering College) (Gazetted) Services Recruitment Rules, 2014” (for short 'the Rules of 2014') in which as per Schedule-I enacted under Rule 5, qualification for the post of Assistant Professor (Information Technology) has been prescribed to be the same and it has further been pleaded that on enquiry being made by respondent No.1, the Chairman of All India Council for Technical Education (AICTE) on 21-8-2015 has clearly informed that the degree in the discipline in which the



candidate is applying for a faculty position is required, as such, the petitioner does not have the post-graduate degree in Information Technology, as he is only having post-graduate degree in Computer Science and, therefore, he was not eligible to be considered against the post of Assistant Professor (Information Technology) and his candidature has rightly been declined for the said post, therefore, the writ petition deserves to be dismissed.

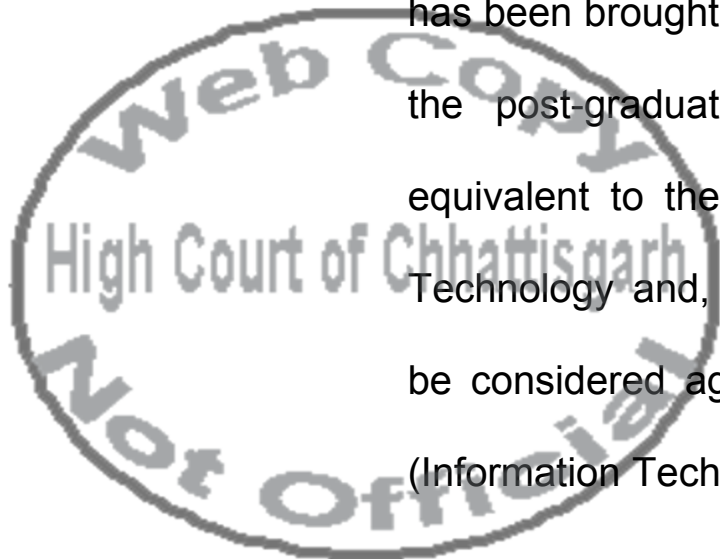
4. Return has also been filed by the PSC in line with the return filed by the State of Chhattisgarh stating inter alia that the petitioner's application was not entertained mainly on the ground that he does not hold the post-graduate degree in Information Technology which is the requisite qualification prescribed for the post of Assistant Professor (Information Technology) and, therefore, the petitioner is not eligible to be considered for the post of Assistant Professor (Information Technology). It has also been pleaded that the application of Bheem Prasad Ram has been accepted due to technical fault of the website which is an auto generated mechanism and his candidature will be taken care of at the time of scrutiny of papers and if the same



are not found as per the prescribed criteria, he will be held ineligible as per the advertisement dated 15-7-2015. The petitioner being ineligible candidate, his case has not been accepted by declining his candidature as such, the writ petition deserves to be dismissed.

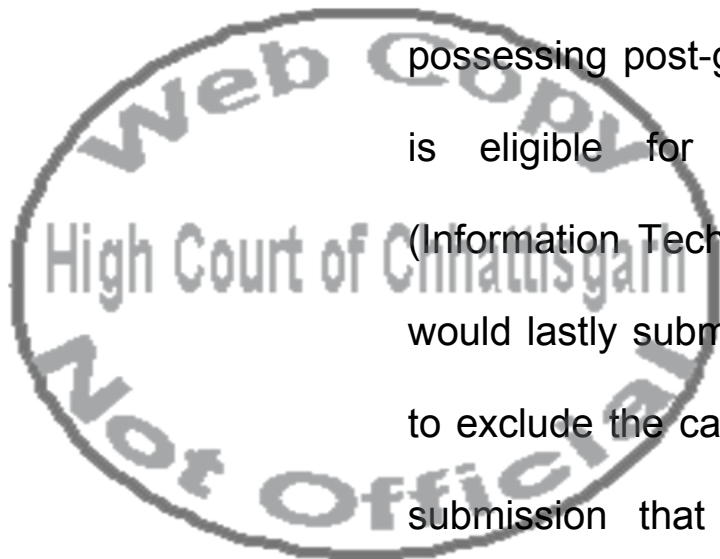
5. Rejoinder has been filed by the petitioner and the circular of the University of Mumbai dated 10-2-2012 has been brought on record in order to demonstrate that the post-graduate degree in Computer Science is equivalent to the post-graduate degree in Information Technology and, therefore, the petitioner is entitled to be considered against the post of Assistant Professor (Information Technology).

6. Mr. Praveen K. Dhurandhar, learned counsel appearing for the petitioner, would submit that the petitioner holds post-graduate degree in Computer Science which is one and same as that of post-graduate degree in Information Technology and as it has been concluded by the University of Mumbai in its circular dated 10-2-2012, post-graduate degree in Computer Science to be equivalent to post-graduate degree in Information Technology. He would further submit that admittedly,

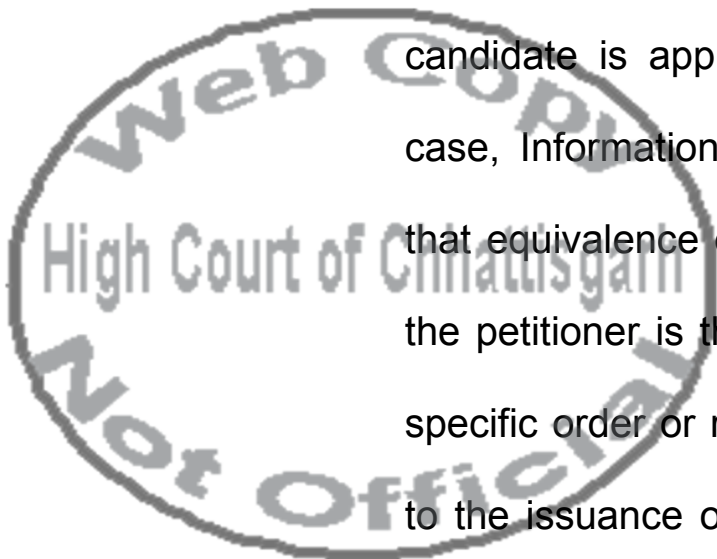


the respondent PSC has permitted one candidate Bheem Prasad Ram, who is also having post-graduate degree in Computer Science, to be eligible candidate for the post of Assistant Professor (Information Technology). He would also submit that the AICTE in its memo, filed by the State as Annexure R-4, has vaguely replied with regard to the query made by the State/ respondent No.1 as to whether a person possessing post-graduate degree in Computer Science is eligible for the post of Assistant Professor (Information Technology) in Engineering Colleges. He would lastly submit that there is no reason for the PSC to exclude the candidature of the petitioner besides his submission that the action of the respondents, in particular, the PSC, is arbitrary and liable to be struck down.

7. Mr. Prafull Bharat, learned Additional Advocate General appearing for the State of Chhattisgarh/respondent No.1, while vehemently opposing and countering the submissions made by learned counsel for the petitioner, would submit that the petitioner is out-and-out ineligible to be considered for the post of Assistant Professor (Information Technology), as the requirement of AICTE

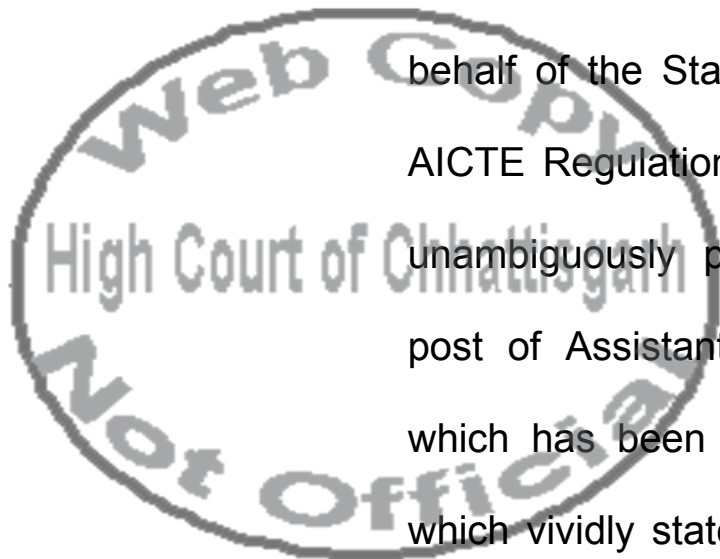


Regulations and the Rules of 2014 followed by advertisement in the notification dated 15-7-2015, stipulate clearly and unambiguously that the candidate applying for the post must have B.E./ B.Tech. and M.E./ M.Tech. in relevant branch with first class or equivalent either in B.E./B.Tech or M.E. / M.Tech.. Elaborating his submission, he would further submit that “relevant branch” would mean the branch/discipline in which a candidate is applying for the post like in the present case, Information Technology. He would also submit that equivalence of educational qualification claimed by the petitioner is the job of experts and it could be by a specific order or resolution duly published that too prior to the issuance of advertisement and it must be in the Recruitment Rules. It is also the submission of Mr. Bharat that the petitioner is not entitled for negative parity as this Court would not like to issue a writ of mandamus to act contrary to law, however, he would submit that the candidature of Bheem Prasad Ram will be examined afresh at the appropriate time / level and if he is found ineligible, care will be taken to see that he is duly declared ineligible at the stage of scrutiny. He would lastly submit that the declaration made by the



University of Mumbai would be inapplicable in the present case, as the State Government has not made any declaration making equivalence of two post-graduate degrees of Computer Science and Information Technology. Therefore, the petitioner is not entitled for the relief as claimed in the writ petition.

8. Mr. Ashish Shrivastava, learned counsel appearing for the PSC while adopting the submissions made on behalf of the State, would additionally submit that the AICTE Regulations and the Rules of 2014 clearly and unambiguously provide eligibility qualification for the post of Assistant Professor (Information Technology) which has been prescribed in the advertisement and which vividly states that the candidate applying for the post of Assistant Professor (Information Technology) must have degree in Information Technology and must have post-graduate degree in Information Technology, as Information Technology would be the relevant subject for the candidate applying for the post of Assistant Professor (Information Technology). He would further submit that the same advertisement also invites application for the post of Lecturer in Polytechnic College prescribing graduate degree in relevant branch

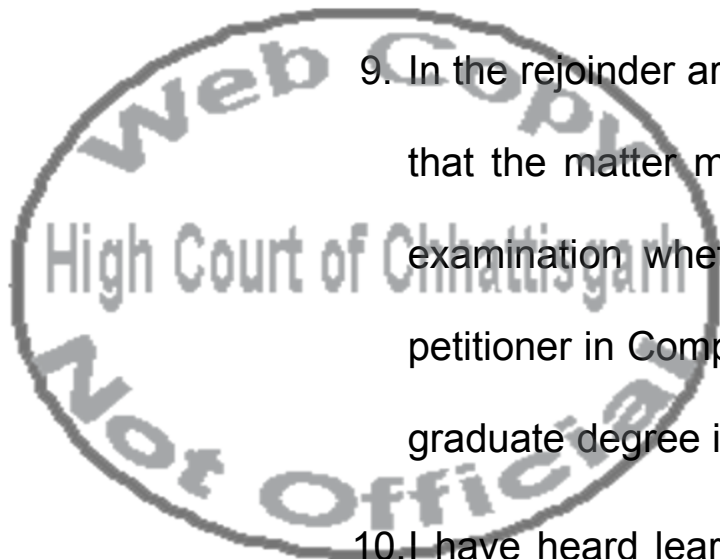


i.e. Computer Science or Information Technology, as the case may be. He would also submit that the declaration made by the University of Mumbai would not be applicable to the present case, as the said declaration made by the University of Mumbai would not be applicable to Public Service Commission because the State Government has not made any such declaration.

9. In the rejoinder argument, Mr. Dhurandhar would submit that the matter may be referred to the expert body for examination whether the post-graduate degree of the petitioner in Computer Science is equivalent to the post-graduate degree in Information Technology.

10. I have heard learned counsel for the parties and given thoughtful consideration to the submissions raised therein and also gone through the record with utmost circumspection.

11. In order to comprehend the controversy raised by the parties herein, it would be appropriate to first notice the AICTE Regulations which have been framed under the All India Council for Technical Education Act, 1987. The AICTE Regulations provide for faculty norms the relevant portion of which reads as under:-



Programme	Cadre	Qualifications	Experience
Engineering / Technology	Asstt. Professor	BE/BTech and ME/MTech in relevant branch with First Class or equivalent either in BE/BTech or ME/MTech	

12. The Rules of 2014 framed by the State Government deal with recruitment on the post of Assistant Professor.

Rule 8 of the Rules of 2014 prescribes Conditions of eligibility for direct recruitment. S.No.5 of Schedule-III

enacted under Rule 8 of the Rules of 2014 prescribes

eligibility qualification for the post of Assistant Professor

Engineering / Technology which reads as follows: -

S.No.	Name of posts included in the service	Minimum Age limit	Maximum Age limit	Prescribed educational qualification
5.	Assistant Professor Engineering/ Technology (Excluding Architecture and Computer Application)	21 Years	30 Years	B.E./B.Tech. and M.E./M.Tech. in relevant Branch with first class or equivalent either in B.E./B.Tech. or M.E./M.Tech.

13. Thereafter, for recruitment on the said post, advertisement has been issued by the PSC on 15-7-

2015. Clause (2) (A) (iii) of the advertisement

prescribes educational qualification which reads as

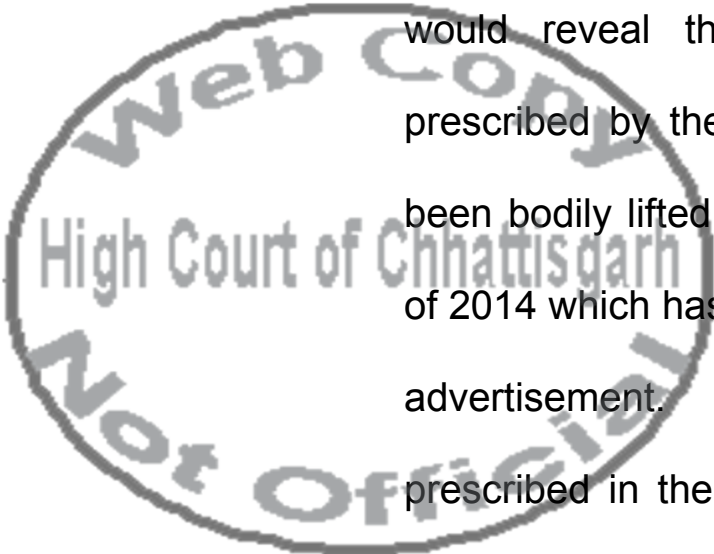
under: -

“आवश्यक शैक्षणिक अर्हता:—

पद क्रमांक (1) सिविल (2) इलेक्ट्रिकल (3) इलेक्ट्रॉनिक्स एंड टेलीकम्यूनिकेशन (4) सूचना प्रौद्योगिक (5) मैकेनिकल (6) माइनिंग विषय के लिए:—

संबंधित (Relevant) संकाय में बी.ई./बी.टेक और एम.ई./एम.टेक में प्रथम श्रेणी अथवा समकक्ष चाहे बी.ई./बी.टेक और एम.ई./एम.टेक में से कोई भी हो।”

14.A conjoint reading of the AICTE Regulations with the Rules of 2014 and the advertisement dated 15-7-2015, would reveal that the educational qualification as prescribed by the AICTE in its Regulations, 2010 has been bodily lifted by the State Government in its Rules of 2014 which has further been notified by the PSC in its advertisement. Thus, the educational qualification prescribed in the advertisement is in consonance with the AICTE Regulations and the Rules of 2014 which mandate that the candidate applying for the post of Assistant Professor in a particular branch must have B.E. / B.Tech. and M.E. / M.Tech. with first class in the relevant subject. For example, if a candidate has applied for the post of Assistant Professor (Civil) he must have B.E./B.Tech. in Civil and M.E./M.Tech. in Civil with first class. Thus, it is the requirement of the AICTE Regulations which has been statutorily



incorporated in the Rules of 2014 by the State Government and following the same, the advertisement for recruitment has been issued by the PSC.

15. Meaning of “relevant subject” for appointment on a post with reference to eligibility condition for recruitment came to be considered by Their Lordships of the Supreme Court in the matter of **Ganapath Singh Gangaram Singh Rajput v. Gulbarga University represented by its Registrar and others**¹ in which Their Lordships have answered the question holding that post-graduate degree in “relevant subject” in the context would mean post-graduate degree in which the candidate has applied for recruitment to teach a particular subject and observed in paragraphs 21 and 22 as under: -

“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 the ‘relevant subject’ and not ‘appropriate subject’. In the present

1 (2014) 3 SCC 767

case, the Board of appointment has not stated that post-graduate 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.

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."

16. In a very recent decision in the matter of **Prakash Chand Meena and others v. State of Rajasthan and others**², a question of equivalence of two qualifications which may be treated as equivalent came up before the Supreme Court in which Their Lordships of the Supreme Court have held that in the matter of eligibility qualification, equivalent qualification must be

² (2015) 8 SCC 484

recognized as such in existing recruitment rules or government order existing on or before the initiation of recruitment process and observed as under: -

“... In the matter of eligibility qualification, the equivalent qualification must be recognised as such in the recruitment rules or government order existing on or before the initiation of recruitment process...”

17. Similarly, in the matter of **Guru Nanak Dev University**

v. Sanjay Kumar Katwal and another³, Their

Lordships of the Supreme Court have held in no uncertain terms that equivalence is a technical academic matter and decision on question of equivalence must be by specific order or resolution duly published, by holding as under: -

“15. ...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. The first respondent has not been able to produce any document to show that the appellant University has recognised MA (English) (OUS) of Annamalai University through distance education as equivalent to MA of appellant University. Thus, it has to be held that the first respondent does not fulfill the eligibility criterion of the appellant University for admission to the three year law course.”

18. Further, it is well settled law that the question of equivalence of educational qualification is not the

³ (2009) 1 SCC 610

domain and jurisdiction of the Court under Article 226 or 227 of the Constitution of India, it has to be done by a body of academicians or an expert body qualified for that job, as such, this Court cannot consider and hold one educational qualification to be equivalent to other qualifications. In this respect, in umpteen number of cases the Supreme Court has observed that it is not within the scope of judicial review to draw equivalence of qualification. Drawing of equivalence of qualification is essentially the job of experts of the field and it is not for the Court to enter into the arena of comparing two qualifications on certain parameters and then to declare equivalence.

19. Way back in the year 1965, in the matter of **University of Mysore v. C.D. Govinda Rao and another**⁴, in Constitution Bench judgment Their Lordships of the Supreme Court have held that in the academic matters regarding equivalence of university degree the Courts will not express a definite opinion. Paragraph 12 of the report states as under:-

“12. Where one of the qualifications for the appointment to the post of a Reader in the University was that the applicant should possess a First or High Second Class

4 A.I.R. 1965 SC 491

Master's Degree of an Indian University or an equivalent qualification of a foreign University, the candidate should possess a First Class Master's Degree of an Indian University or High Second Class Master's degree of an Indian University or qualification of a foreign university which is equivalent to a First Class or a High Second Class Master's degree of an Indian University. Whether the foreign degree is equivalent to a High Second Class Master's degree of an Indian University is a question relating purely to an academic matter and courts would naturally hesitate to express a definite opinion, specially when the selection Board of experts considers a particular foreign university degree as so equivalent."

20. Similar is the proposition of law rendered by the Constitution Bench of the Supreme Court in the matter of Mohammad Shujat Ali and others v. Union of India and others⁵ in which Their Lordships of the Supreme Court have held that question in regard to equivalence of educational qualification is a technical question based on proper assessment by holding as under:-

"13. ... It must be noted that the question in regard to 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 and where the decision of the Government is based on the recommendation of an expert body which possesses the requisite knowledge, skill and expertise for adequately discharging such a function, the Court, uninformed of relevant

5 (1975) 3 SCC 76

data and unaided by the technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government. It is only where the decision of the Government is shown to be based on extraneous or irrelevant considerations or actuated by mala fides or irrational and perverse or manifestly wrong that the Court would reach out its lethal arm and strike down the decision of the Government. ...”

21. Similarly in the matter of **State of Rajasthan and**

others v. Lata Arun⁶, Their Lordships of the Supreme

Court have held that question of equivalence of qualification are the matters which falls within the realm

of the policy decision to be taken by the state by holding as under:-

“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.”

22. Very recently, a Division Bench of this Court in W.P.(S)

No.2992/2015 (Sudhir Dewangan v. State of

Chhattisgarh and others) decided on 14-9-2015, while

examining the issue as to whether the degree in

Electrical Engineering would be equivalent to the

degree in Electrical & Electronics Engineering, has held

⁶ (2002) 6 SCC 252

as under: -

“... We are in agreement with the submission on behalf of the State Counsel that the nomenclature of the two courses being different there has to be difference in the nature of study and knowledge imparted in the two disciplines, course content, qualifications acquired etc. It is not open for the Court in academic matters to declare equivalence of courses as may have been advertised by the employer.”

23. Concludingly, equivalence of educational qualification is purely a technical academic matter and it has to be done by appropriate authority / expert that too by specific order duly published prior to initiation of recruitment process. Thus, after having examined the legal position with regard to equivalence of two qualifications in exercise of jurisdiction under Article 226 of the Constitution of India, before proceeding further, it would be appropriate to notice the query raised by the Commissioner-cum-Director, Technical Education to the Chairman, AICTE, in this regard which is as under: -

“(A) Whether a person possessing B.E. / B.Tech. (Information Technology) and M.E. / M.Tech. (Computer Science) is eligible for the post of Assistant Professor/Lecturer (Information Technology) in Engineering College/Polytechnic.

(B) Whether a person possessing B.E./B.Tech. (Computer Science) and M.E./M.Tech. (Information Technology) is eligible for the post of Assistant Professor/Lecturer (Computer Science) in

Engineering College/Polytechnic.”

24.Reply of the Chairman, AICTE is as follows: -

“The degree in the discipline in which he is applying for a faculty position is required. Eg. For a faculty position in civil he should have a degree and PG in civil engineering etc.”

25.Aforesaid facts would clearly show that the State of

Chhattisgarh has clearly sought instructions from the

AICTE, an expert body constituted under the Act of

1987, whether a person possessing B.E. or B.Tech. in

Information Technology and M.E. or M.Tech. in

Computer Science is eligible for the post of Assistant

Professor (Information Technology) in Engineering

College which has been replied by the AICTE that

degree in discipline in which he is applying for a faculty

position is required, meaning thereby that the AICTE is

clearly of the opinion that a candidate must have the

B.E. degree and the post-graduate degree in the

discipline in which he has applied and unless he

possesses the post-graduate degree in the relevant

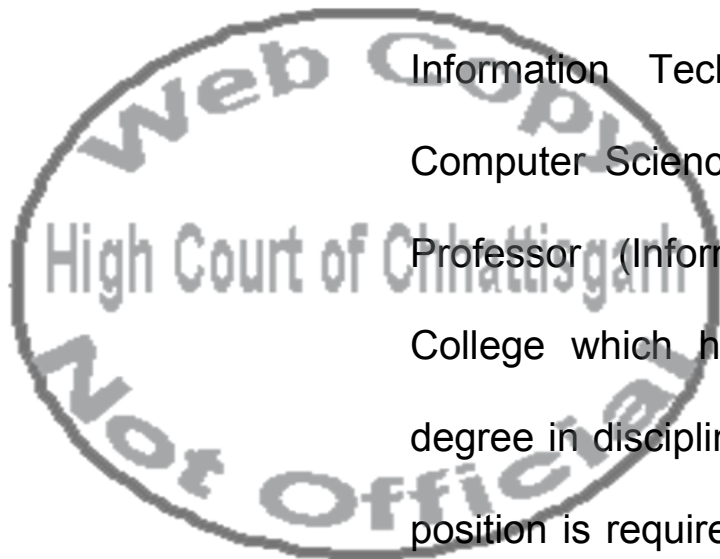
subject, he is not eligible to be considered for the post

of Assistant Professor of that particular branch /

discipline.

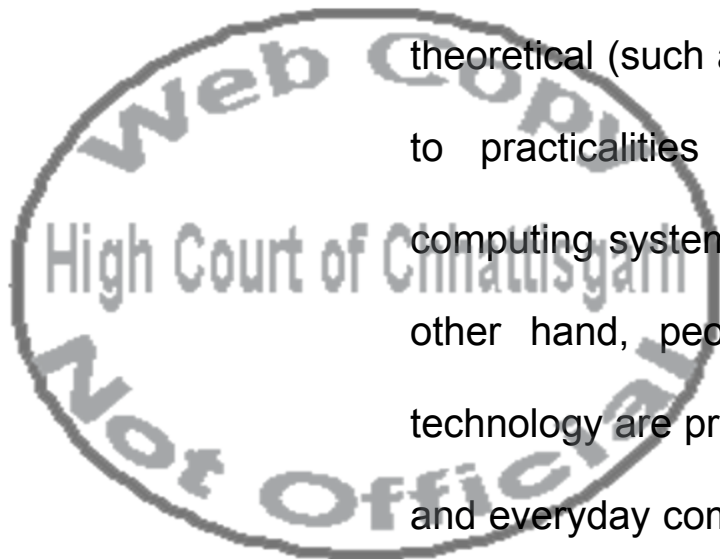
26.At this stage, it would not be out of place to mention the

difference between a degree in Computer Science and

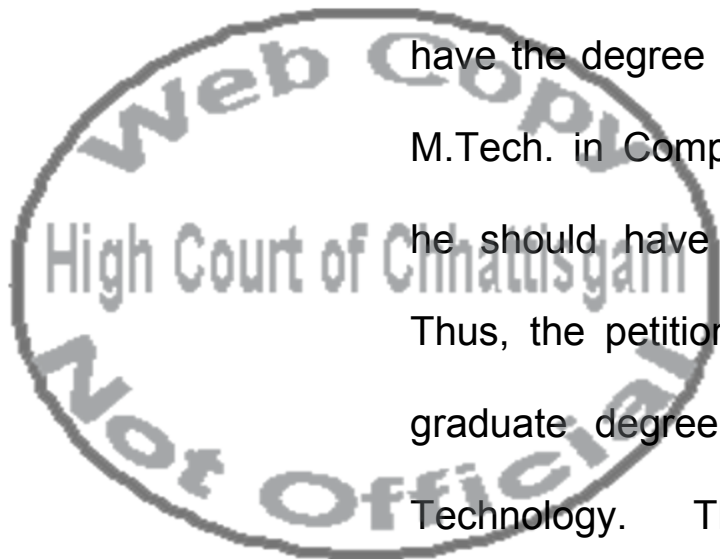


Information Technology though to a layman, Computer Science and Information Technology may seem like the same thing. Computer Scientists are focused with the theory of computational applications. People who specialize in computer science are trained in the theory of computation and the design of computer systems. The computer science discipline is closely related to mathematics and includes a range of topics – from the theoretical (such as studies of the limits of computation) to practicalities (such as issues of implementing computing systems in hardware and software). On the other hand, people who are trained in information technology are prepared to meet the hands-on, practical and everyday computer technology needs of all types of organizations, including business, government, health-care, and schools.

27. Thus, keeping in view the above-stated Regulations and Rules prescribing eligibility qualification for the post of Assistant Professor (Information Technology) and interpretation in mind with regard to the law laid down by Their Lordships of the Supreme Court in the above-stated judgments and taking note of the specific reply made by the AICTE, which is the supreme regulatory



and expert body with regard to Technical Education, reverting back to the factual score of the case, it is quite vivid that the petitioner has applied for the post of Assistant Professor (Information Technology) in Government Engineering Colleges for which he must have B.E. or B.Tech. degree in Information Technology and M.E. or M.Tech. Post-graduate degree in relevant branch with first class. The petitioner undisputedly, have the degree of B.E. in Information Technology and M.Tech. in Computer Science, whereas, as per rules, he should have M.Tech. in Information Technology. Thus, the petitioner does not have the M.Tech. post-graduate degree in relevant subject i.e. Information Technology. The submission of Mr. Dhurandhar, learned counsel for the petitioner, that the post-graduate degree in Computer Science which the petitioner is having be considered as equivalent to that of the post-graduate degree in Information Technology, is not liable to accepted, as it has already been held in foregoing paragraphs that equivalence of two qualifications is a matter of executive policy and it has to be done by academicians / subject experts in that particular field. Further, in the recent pronouncement in **Prakash**



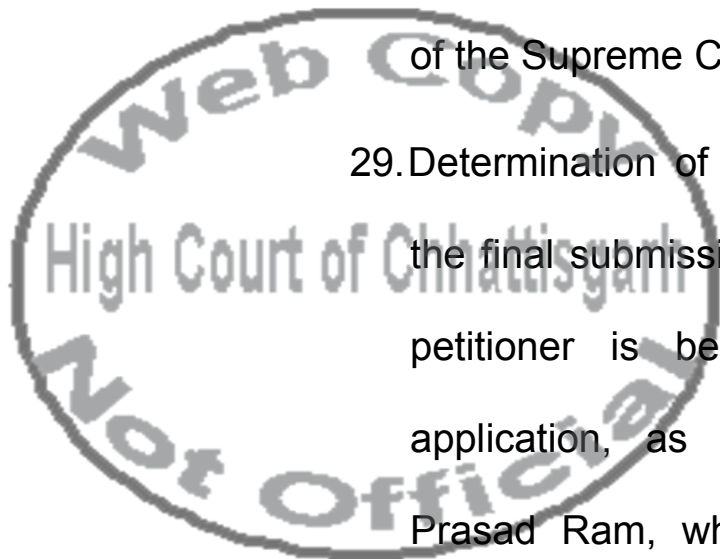
Chand Meena (supra), Their Lordships of the Supreme Court have clearly held that equivalent qualification must be recognised as such in existing recruitment rules or Government order existing on or before initiation of recruitment process. In **Guru Nanak Dev University** (supra), it has been held that equivalence is a technical academic matter and decision on question of equivalence must be by specific order or resolution duly published. The petitioner has not shown or brought on record any order holding that the post-graduate degree in Computer Science which he holds is equivalent to the post-graduate degree in Information Technology declared by the State of Chhattisgarh or any other authority competent and authorized to do so. However, the order / circular of the University of Mumbai holding that the post-graduate degree in Computer Science is equivalent to the post-graduate degree in Information Technology, nowhere strengthens the case of the petitioner, as that circular is inapplicable to the petitioner because it is for the students of that University and that does not give strength to the petitioner any more.

28. Further, submission of learned counsel for the petitioner that the syllabus prescribed by the PSC for examination



for both the posts i.e. Assistant Professor (Information Technology) and Assistant Professor (Computer Science) are one and same and, therefore, both are equivalent posts, also cannot be accepted, as it amounts to encroaching and entrenching upon the arena of experts and academicians which this Court would not like to do being the domain of experts and academicians in view of authoritative pronouncements of the Supreme Court noticed herein-above.

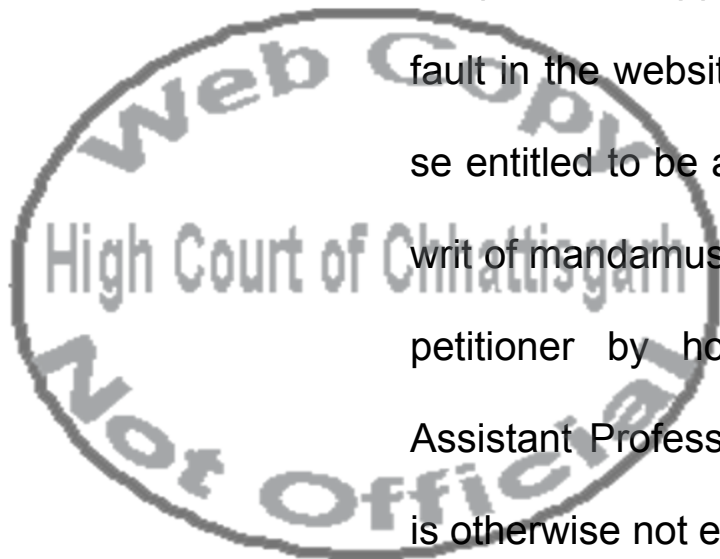
29. Determination of aforesaid question leads me towards the final submission raised by Mr. Dhurandhar that the petitioner is being discriminated in accepting his application, as similarly situated candidate Bheem Prasad Ram, who holds B.E. degree in Information Technology and post-graduate degree in Computer Science, has been allowed to submit his form through on-line, also deserves to be rejected particularly, as there is a common stand by the State of Chhattisgarh and the PSC that the application of Bheem Prasad Ram has been accepted due to technical fault of website which is an auto-generated mechanism and the candidature of Bheem Prasad Ram, if found ineligible in terms of the advertisement and the Rules, will be taken



care of at the time of scrutiny as such.

30. Apart from the factual submissions, it is well settled that this Court in exercise of jurisdiction under Article 226 of the Constitution of India, would not issue a writ on the basis of negative parity or to act contrary to law or to perpetuate the illegality. Merely on the basis that similarly situated ineligible candidate has been allowed to upload his application in the website due to technical fault in the website, the petitioner does not become per se entitled to be allowed on the ground of parity and no writ of mandamus can be issued to the PSC to allow the petitioner by holding him eligible for the post of Assistant Professor (Information Technology) which he is otherwise not eligible.

31. Finally, the submission of Mr. Dhurandhar that the matter may be referred to the expert committee for equivalence of two qualifications deserves non-acceptance. It has already been held that equivalence of two qualifications is a matter of executive policy and it has to be by a governmental order. Even otherwise, no such specific relief has been claimed in the writ petition and, therefore, the other side cannot be taken at surprise. Even otherwise, equivalence must be



recognized as in the recruitment rules prior to initiation of recruitment process by specific order duly published, as such, even in absence of relief sought, no such relief can be granted to the petitioner.

32. As a fallout and consequence of aforesaid discussion, I do not find any illegality or arbitrariness in the action of the respondents in holding the petitioner ineligible for the post of Assistant Professor (Information Technology), as such, the writ petition deserves to be and is hereby dismissed but without imposition of costs.

Sd/-
(Sanjay K. Agrawal)
Judge



HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.3169 of 2015

Reshamlal Pradhan

- Versus -

State of Chhattisgarh and another

HEAD NOTE

Equivalence of two educational qualifications is a technical and academic matter and it must be done by a specific order by experts in the field.

दो शैक्षणिक योग्यताओं की समतुल्यता एक तकनीकी तथा अकादमिक मामला है और इसे उस क्षेत्र के विशेषज्ञों द्वारा विशिष्ट आदेश से ही किया जाना चाहिए।

