

AFR

Reserved on 10.09.2024

Chief Justice's Court

Case :- WRIT - A No. - 5246 of 2024

Petitioner :- Smt Madhumita Pandey

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Ramesh Chandra Dwivedi

Counsel for Respondent :- V.K. Singh (Sr. Adv.) ,Saumitra Singh, Vinay Kumar Srivastava

Hon'ble Arun Bhansali,Chief Justice

Hon'ble Vikas Budhwar,J.

(Per: Vikas Budhwar, J.)

1. Impugned in the present proceedings at the instance of Smt. Madhumita Pandey (in short 'writ petitioner') is an order dated 20.03.2024 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad (in short 'Tribunal') in OA No. 1820 of 2010 (Smt. Kalpana Tripathi Vs. Union of India & 4 Others), whereby the original application preferred by Smt. Kalpana Tripathi (in short 'original applicant') questioning the order dated 15.07.2010 of the Post Master General, Gorakhpur Region, Gorakhpur, third respondent (in short 'Postal Department') appointing the writ petitioner on the post of GDS, Branch Post Master, Baraon, Branch Office was set aside.

2. A joint statement has been made by the learned counsels for the parties that they do not propose to file any affidavits. With the consent of the parties, the writ petition is being decided at the fresh on the basis of the documents available on record.

Facts:

3. The case of the original applicant which was projected before the Tribunal as set out in the OA is that a recruitment exercise was undertaken by the Postal Department for filling up the post of GDS Branch Post Master, Baraon, Branch Office through District Employment Officer, Deoria. The original applicant along with the writ petitioner and others applied in pursuance of the said notification, thereafter, a merit list was prepared of five candidates on the basis of the percentage of marks obtained in the high

school examination in which the original applicant's name found place at serial No. 4 whereas the writ petitioner was assigned ranking at serial No. 3. On 15.07.2010, an appointment order came to be issued in favour of the writ petitioner appointing her on the post of GDS, Branch Post Master, Baraon. The original applicant questioned the appointment of the writ petitioner on the said post while instituting proceedings, OA No. 1820 of 2010 seeking following reliefs:-

“A. To quash the order dated 15.07.2010 (Annexure No. 1) passed by the respondent No. 3 for the appointment of the respondent No. 4 the post of Post Master, Post Office Baraw, District Deoria.

B. To direct the respondent No. 3 to appoint the applicant on the post of Post Master, Post Office Baraw, District Deoria.

C. To pass such other and further order which may be deem fit and proper in the circumstances of the case.

D. To award the cost of this application to the applicant.”

4. The sheet anchor of the challenge raised to the appointment of the writ petitioner was on the premise that she was not eligible and qualified for being selected and appointed on the said post, as the minimum qualification as per the notification dated 24.11.2009 was possession of High School certificate from a recognized Board. Since, according to the original applicant, the writ petitioner possessed the certificate of Prathama examination conducted by the Hindi Sahitya Sammelan, Allahabad which was not the qualification specified in the notification, thus, the selection and the appointment of the writ petitioner was illegal.

5. The Tribunal entertained the original application while issuing notice to the writ petitioner and seeking response from the writ petitioner as well as the Postal Department. On contest, response was filed by the Postal Department and the writ petitioner to which rejoinder affidavits were filed and the O.A. came to be allowed while relying upon the decision in **Rajasthan Pradesh Vidya Samiti V.S. Sardarshahar & Anr. Vs. Union of India and others, 2010 (12) SCC 609** and **Manish Kumar Vs. State of U.P. 2010 (9) ADJ 762** holding that the Hindi Sahitya Sammelan is neither a University nor an Educational Board and the certificate so offered does not have legal sanctity, the appointment of the writ petitioner was set aside.

6. Questioning the order dated 20.03.2024 passed in OA No. 1820 of 2010, the writ petitioner has filed the present writ petition seeking following reliefs.-

“i. Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 20.03.2024 passed by Central Administrative Tribunal, Allahabad in Original Application No. 1820 of 2010 (Smt. Kalpana Tripathi Vs. Union of India and others).

ii. Issue a writ, order or direction in the nature of Mandamus directing the respondents not to interfere her working as Branch Postmaster Branch Baraon, District Deoria.

iii. Issue any other writ order or direction which this Hon’ble Court may deem fit and proper in the circumstances of the present case.

iv. Award costs of the writ petition to the petitioner.”

7. This Court on presentation of the writ petition on 15.04.2024 passed the following orders.-

“1. Supplementary affidavit, annexing the certified copy of the impugned order, filed today, is taken on record.

2. Sri B.B.P. Srivastava, Advocate, holding brief of Sri Vinay Kumar Srivastava, has entered appearance on behalf of respondent no. 5.

3. Counsel for the petitioner to provide him with complete set of pleadings.

4. As jointly prayed, list as fresh on 25.4.2024, showing the name of Sri Vinay Kumar Srivastava as counsel for respondent no. 5.

5. The order has been passed in the presence of Sri Saumitra Singh, learned counsel for respondent nos. 1, 3 and 4.”

8. Thereafter, on 01.08.2024 the following orders were passed.-

“1. Despite grant of sufficient time, the Notification dated 21.11.2006, Annexure-6 (Page 111) published in Gazette has not been produced. However, a copy of the said notification as annexed with the petition has been again produced by learned A.S.G.I.

2. In view of the fact that the respondents themselves have relied on the said notification dated 21.11.2006, now the plea being raised on behalf of the respondents is that the advertisement did not indicate the equivalent qualification and in terms of the notification also, the same is only an equivalent qualification.

3. Counsel for the petitioner submits that the Rules provide equivalent qualification and prays for time to produce the same.

4. In view of the submissions made, list on 20th August, 2024, as fresh.”

Argument of counsel for writ petitioner:

9. Sri R.C. Dwivedi, learned counsel for the petitioner has sought to argue that the judgment and order of the Tribunal impugned in the present writ petition cannot be sustained for a single moment inasmuch as the Tribunal has misconstrued the entire controversy and has adopted an incorrect approach. Elaborating the said submission it is submitted that as per the statutory rules for Postal Gramin Dak Sevak, Section IV deals with the method of recruitment and according to which for the post of ED/Post Master/ED Branch Post Master, the relevant qualification is matriculation or equivalent thereof.

10. Submission is that though matriculation is one of the qualification but besides it equivalent qualification as recognized by the Postal Department is also permissible for the recruitment on the post in question. According to the writ petitioner, in the case in hand the Postal Department had issued a notification dated 21.11.2006 under the signature of the Joint Secretary to the Government of India, Ministry of Human Resource Development, Department of High Education according to which in continuation of the departments notification dated 14.05.2004 the Government of India in its meeting held on 16.10.2006 had decided to extend the provisional recognition granted to the Prathama examination being conducted by Hindi Sahitya Sammelan, Allahabad for the purposes of employment under the Central Government for the post where the desired qualification is to pass matriculation for a period of three years from 27.07.2007 to 26.10.2010. It is, thus, contended that merely because the writ petitioner does not possess matriculation from U.P. High School and Intermediate Education, ICSE or CBSC, the same would not be a disqualification particularly when the Prathama from Hindi Sahitya Sammelan has been made equivalent. Additionally, it has been argued that the judgments in the case of **Rajasthan Pradesh** (supra) and **Manish Kumar** (supra) would not be applicable in the present case and, thus, the Tribunal erred in law in allowing the original application while setting aside the appointment of the writ petitioner, it is, therefore, prayed that the order of the Tribunal impugned in the present

proceeding be set aside and the writ petition be allowed while granting relief as claimed in toto.

Argument of counsels for Original Applicant:

11. Countering the submission of the learned counsel for the petitioner Sri V.K. Singh, learned Senior Counsel assisted by Sri Vinay Kumar Srivastava has submitted that the judgment and order of the Tribunal needs no interference in the present proceedings in view of the fact that the Tribunal has considered each and every aspect of the matter and has proceeded to pass an order which cannot be said to be suffering from any illegality. Argument is that the qualification as prescribed in the advertisement was matriculation from a recognized Board and once the writ petitioner as per her own saying possessed qualification of Prathama from Hindi Sahitya Sammelan which is not a recognized institution then by all eventuality the selection and appointment of the writ petitioner was illegal and has been rightly set aside by the Tribunal. Reliance has been placed upon the decision in **Bedanga Talukdar Vs. Saifudullah Khan & Ors., 2011 (12) SCC 85** and **Ankita Thakur and Ors. Vs. H.P. Staff Selection Commission & Ors. reported in 2023 (7) Supreme Court 468** so as to contend that even if there exists power of relaxation of the rules then the same has to be specifically indicated in the advertisement otherwise it would be in violation of Articles 14 and 16 of the Constitution of India. Submission is that though the rule provides for possession of matriculation and equivalent examination but once relaxation is being accorded then it is to be specifically mentioned in the advertisement so as to give opportunity to the other deserving candidates who would have applied in that regard. Since the advertisement did not prescribe for any equivalent qualification, thus, no benefit whatsoever could have been accorded to the writ petitioner. While deriving force from the judgment in **Rajasthan Pradesh Vidya Samiti (supra)** and **Manish Kumar (supra)** it is contended that once there happens to be series of decisions on the subject that the Hindi Sahitya Sammelan being neither university/deemed university nor an educational board, thus, the question of equivalence itself stands extinguished, therefore, the writ petitioner is not entitled to relief and the writ petition be dismissed.

Argument of counsel for Postal Department:

12. Sri Saumitra Singh, learned counsel who appears for the Postal Department has supported the case of the writ petitioner while adding that the Postal Department in view of the notification dated 21.11.2006 considers the qualification of Prathama from Hindi Sahitya Sammelan as equivalent to matriculation and the same stands adopted also. According to him the selection and appointment of the writ petitioner is perfectly valid and on the basis of the sheer dint of merit she has been selected and accorded appointment and the Tribunal committed an error in allowing the original application preferred by the original applicant while setting aside the appointment of the writ petitioner.

Relevant Statutory Rules/Notifications

Section IV: Method of Recruitment (Postal Gramin Dak Sevak)

“2. Educational Qualifications:

ED Sub-Postmasters and ED Branch Postmasters:

Matriculation. [The selection should be based on the marks secured in the Matriculation or equivalent examinations. No weightage need be given for any qualification(s) higher than Matriculation.]”

“Notification Dated 24.11.2006

Government of India

Ministry of Human Resource Development

Department of Higher Educational

New Delhi, 21st November, 2006

Notification

No. F.24-4/2001-TS-III. In continuation of this Department’s Notification of even number dated 14.05.2004, the Government of India, on the recommendations of Higher Level Committee in its meeting held on 16.10.2006, has decided to extend the provisional recognition granted to the Prathama Examination being conducted by Hindi Sahitya Sammelan, Allahabad for the purpose of employment under the Central Government for the post for which the desired qualification is a pass in matriculation for a further period of 3 years from 27.10.2007 to 26.10.2010, after which the Committee will review the recognition granted.

(Ravi Mathur)

Joint Secretary to the Government of India”

“Notification Dated 24.11.2001

भारतीय डाक विभाग

कार्यालय अधीक्षक डाकघर देवरिया मण्डल देवरिया- 274001

पत्रांक ए-672/ ई० डी०/ चै० III देवरिया दिनांक 24.11.09

सेवा में

सेवायोजन

अधिकारी

देवरिया

महोदय,

यह सूचित किया जाता है कि शाखा डाकघर बरॉव लेखा कार्यालय मदनपुर जनपद देवरिया में जी०डी०एस० शाखा पोस्टमास्टर बरॉव का एक पद अनारक्षित के लिये रिक्त है। कार्यरत जी०डी०एस० कर्मचारी को रूपया 2745-50-4245 टी०आर०सी०ए० देय है एवं अन्य महंगाई भत्ता इसमें शामिल नहीं है। यह रिक्ति शाखा पोस्टमास्टर बरॉव के त्यागपत्र के कारण स्थाई/अस्थायी तौर पर रिक्त है। इस पद पर नियुक्ति होने पर रूपया 10000/- का बचत पत्र/किसान विकास पत्र के रूप में सिक्योरिटी जमा करना अनिवार्य है। सिक्योरिटी की रकम नियम परिवर्तन होने पर निर्धारित सीमा तक बढ़ाना होगा।

आपसे अनुरोध है कि कम से कम तीन अभ्यर्थियों का नामांकन सूची जो उपरोक्त पद पर चयन हेतु निम्नलिखित आवश्यक शर्तें पूरी करते हों इस प्रकार प्रेषित करें कि नामांकन सूची इस कार्यालय में दिनांक 23.12.2009 तक अवश्य प्राप्त हो जाय। इस तिथि के पश्चात प्राप्त नामांकन सूची/ आवेदन पत्र रद्द समझा जायेगा एवं इस पर कोई बिचार नहीं होगा।

1. जीडीएस की भर्ती हेतु नामांकन प्राप्त होने की तिथि को न्यूनतम आयु 18 वर्ष तथा अधिकतम आयु 60 वर्ष हो।
2. अभ्यर्थी की शैक्षणिक योग्यता 10 वीं कक्षा (हाई स्कूल) परीक्षा उत्तीर्ण होना चाहिये तथा बोर्ड द्वारा जारी अंकपत्र व प्रमाण पत्र मान्य होंगे।
3. अभ्यर्थी को मूल डाकघर ग्राम का निवासी होना अनिवार्य नहीं है परन्तु नियुक्ति हेतु चुने जाने वाले अभ्यर्थी को नियुक्ति के पूर्व डाकघर वाले ग्राम में डाकघर रखने के लिये सुरक्षित व उपयुक्त भवन उपलब्ध कराना होगा।
4. डाकघर में उपलब्ध नकदी एवं मूल्यवान वस्तुओं की सुरक्षा का उत्तरदायित्व जीडीएस शाखा पोस्टमास्टर की होगी।
5. आवेदन करने वाले उम्मीदवार/ अभ्यर्थी को अन्य रोजगार के श्रोतों से अपनी आय को पूरा करना होगा जिससे कि उसके पास अपना और अपने परिवार का भरण पोषण करने के लिये पर्याप्त साधन हो एवं इस सम्बन्ध में घोषणा पत्र देना होगा।
6. अभ्यर्थी को डाकघर के कार्य हेतु उपयुक्त भवन होना चाहिए जहाँ भविष्य में पी०सी०ओ० की व्यवस्था की जा सके।
7. अभ्यर्थी को दिवालिया नहीं होना चाहिए।

9. अभ्यर्थी का किसी भी राजनितिक पार्टियों से सम्बन्ध नहीं होना चाहिए एवं किसी चुनावी पद पर कार्यरत नहीं होना चाहिये एवं भारतीय जीवन बीमा निगम का एजेण्ट नहीं होना चाहिए तथा किसी भी सरकारी/प्राइवेट (मान्यता प्राप्त संस्थानों आदि) नौकरी में कार्यरत नहीं होना चाहिए।
10. जिन अभ्यर्थियों के आवेदन पत्र समय सीमा एवं निर्धारित शर्त के अनुरूप सीधे भी इस कार्यालय में प्राप्त होंगे उन पर भी बिचार किया जायेगा।
11. जिस जाति/कोटि के उम्मीदवार के लिये नोटीफिकेशन किया गया है उसी जाति/कोटि के ही अभ्यर्थी का नामांकन भेजा जाय तथा वे ही अभ्यर्थी केवल सीधे इस कार्यालय को आवेदन कर सकते हैं।
12. पुलिस में दर्ज प्राथमिकी के आधार पर कोई विवेचना लम्बित नहीं होना चाहिए।
13. आवेदन पत्र पंजीकृत पत्र से ही भेजने पर स्वीकार किया जायेगा अन्यथा उस पर कोई बिचार नहीं किया जायेगा।

ह०-
अधीक्षक डाकघर
देवरिया मण्डल देवरिया- 274001”

“Notification Dated 24.11.2010

F.No.37-52/2006-SPB-I

Ministry of Communications & IT

Department of Posts

Dak Bhawan, New Delhi

Dated 23.09.2010

ADPS (Recruitment)
Office of the Chief Postmaster General,
U.P. Circle, Lucknow.

Subject:- Regarding recognition of various examinations.

Ref:- Your letter No. Rectt/M-8/Ruling/10 dated 31st August, 2009

Sir,

I am directed to refer to your letter mentioned under reference on the subject cited above and to inform that:

(i) As per Notification No. 24-4/2001-TS-III dated 21st November, Ministry of HRD has extended the recognition of Prathama examination for a further period of 3 years from 27.10.2007 to 26.10.2010. A circular in the matter is being issued separately.

(ii) In respect of Recognition of Purva Mathyama and Uttar Padhyama Examination conducted by Sampurnanand Sanskrit Vishwa Vidhyalaya, Varanasi, UP is concerned, it has to inform that this matter has been taken up with University Grant Commission. The requisite clarification in this regard shall be furnished as soon as the same is received from UGC.

(iii) A copy of Ministry of HRD Notification No. F.7-1/77-SKT.2. dated 22nd November 1979 issued regarding Adhikari Pariksha conducted by the Gurukul Vishwa Vidhyalaya, Vrindavan, Mathura, UP is enclosed herewith.

(iv) In respect of recognition of Purva Madhyama and Uttar Padhyama Examination conducted by the Uttar Pradesh Madhyamik Sanskrit Parishad, Lucknow, UP is concerned, it has to inform that necessary clarification is still awaited from the Department of Higher Education, Shastri Bhawan, New Delhi.

(v) In respect of Saraswati Prabadh Pariksha conducted by Bhartiya Shiksha Parishad, the requisite clarification is awaited from the Ministry of HRD.

Yours Faithfully,

(Suraj Bhan)

Assistant Director General (SPN)

dated at Lucknow 04.10.2010”

Analysis:

13. The facts are not in issue. It is not in issue that the notification came to be issued by the Postal Department for filling up the post of GDS, Branch Post Master Baraon wherein the qualification prescribed was possession of matriculation (High School) from a recognized Board. It is also not in dispute that the writ petitioner along with the original applicant and others applied in pursuance of the said notification and a merit list came to be published, in which as per the averments contained in para 5 of the reply filed by the Postal Department before the Tribunal, it was asserted.-

“5. That, on receipt of applications from the District Employment Officer Deoria as well as from the candidates applying direct, the merit list was prepared for five candidates on the basis of percentage of marks obtained in the High School Examination and in the examination equivalent to High School Examination. The merit list was prepared as under:-

SI No.	Name of candidates	Obtained Marks	Percentage	Name of Board
1.	Smt. Indubala Tripathi	447/600	74.5	HS & Intermediate Education U.P. Board Allahabad
2.	Sri Vipin Kumar Pandey	592/800	74.00	Hindi Sahitya Sammelan, Allahabad
3.	Smt. Madhumita Pandey	565/800	70.62	Hindi Sahitya Sammelan, Allahabad
4.	Smt. Kalpana Tripathi	407/600	67.83	HS & Intermediate Education U.P., Board Allahabad
5.	Sri Rajesh Singh	379/600	63.16	HS & Intermediate Education U.P. Board Allahabad

14. The bone of contention between the parties is whether it was open for the Postal Department to select the writ petitioner on the said post on the face of the fact that the writ petitioner did not possess matriculation from the recognized Board, U.P. Board of High School & Intermediate Education/ICSE/CBSC.

15. To address the said question, we are required to have a quick survey of the statutory rules, advertisement and the notifications issued from time to time on the said subject. Record reveals there exist Service Rules for Postal Gramin Dak Sevak for recruitment of Sub Postmasters and Branch Postmasters prescribing qualification of matriculation or equivalent examination. Though we find that the advertisement does not speak about any equivalence barring the qualification of matriculation but what is relevant is the statutory rules which would in all eventualities prevail in case of any inconsistency with the advertisement where the recruitment rules prescribe for equivalent qualification. The said aspect is no more res integra as the same stands crystallized in the case of **Ashish Kumar Vs. State of Uttar Pradesh 2018 (3) SCC 55** wherein the following was observed.-

“27. Any part of the advertisement which is contrary to the statutory rules has to give way to the statutory prescription. Thus, looking to the qualification prescribed in the statutory rules, the appellant fulfils the qualification and after being selected for the post denying appointment to him is arbitrary and illegal. It

is well settled that when there is variance in the advertisement and in the statutory rules, it is the statutory rules which take precedence.”

16. Recently the Hon’ble Supreme Court in the case in **Civil Appeal No. 152 of 2022 the Employee State Insurance Corporation Ltd. Vs. Union of India** decided on 20.01.2022 held as under:-

*“It is settled law that if an advertisement is inconsistent with the recruitment rules, the rules would prevail, as held by this Court in **Malik Mazhar Sultan & Anr. Vs. U.P. Public Service Commission & Ors., 2006 (9) SCC 507.**”*

17. Applying the principles of law as culled out in the above noted decision in the facts of the present case, an irresistible conclusion stands drawn that the recruitment rules will have precedence over the advertisement and the advertisement is to yield before the recruitment rules.

18. Now the next question which falls for consideration before us is regarding the issue of equivalence. Though there happens to be judgments on the subject that the Hindi Sahitya Sammelan is neither a University/Deemed University nor Educational Board but it is only a society registered under the Societies Registration Act and the degree offered by it has no sanctity, but what is to be seen is the stand of the Postal Department based upon the statutory rules with regard to the issue of equivalence. Apparently, there happens to be a notification issued by the Government of India, Ministry of Human Resource Development, Department of Higher Education dated 21.11.2006 on the subject that even in the past and in continuation of the notification dated 14.05.2004, the Government of India on the recommendation of the higher level committee in its meeting convened on 16.10.2006 had taken a decision to extend the provisional recognition granted to the Prathama examination being conducted by Hindi Sahitya Sammelan for the purposes of employment under the Central Government for the post for which desired qualification is to pass matriculation for a further period of three years from 27.10.2007 to 26.10.2010. The said notification specifically recognizes the qualification of Prathama examination and adoptable to the post which are under the Government of India. Not only this, the Postal Department has also issued a circular adopting the said notification and making it applicable in the Postal Department. On examination, we find that the qualification of Prathama

obtained by the writ petitioner from Hindi Sahitya Sammelan, Allahabad is of the year 2006 i.e. the period when the same was made equivalent to Prathama Hindi Sahitya Sammelan.

19. Bearing in mind the said factual backdrop, it becomes explicitly clear that the Postal Department being the employers has been treating the qualification of Prathama obtained from Hindi Sahitya Sammelan to be equivalent to matriculation and on the said basis the recruitment exercise stood undertaken pursuant to the notification dated 24.11.2009 and the writ petitioner was selected and granted appointment. Our views further stands amplified from the fact that the recruitment rules itself provides for equivalent qualification and once the position being so, in the backdrop of the notification dated 26.11.2006 as adopted from time to time by the Postal Department, it cannot be said that the selection and the appointment of the writ petitioner was illegal. So far as the reference so placed upon the judgment in the case of **Bedanga Talukdar** (supra) and **Ankita Thakur** (supra), the same would not apply in the facts of the case particularly when the issue before the Court in the said cases was with regard to the issue of relaxation whereas in the present case, the issue is of equivalence which is prescribed in the statutory recruitment rules.

20. Nonetheless, we are also not required to delve into the issue relatable to the validity of the notification dated 21.11.2006 or the statutory rules providing for equivalence particularly when neither the same has been subject matter of challenge nor any pleadings or arguments have been advanced in that regard. Moreover, it is also not the case of the original applicant before the Tribunal or before us that any fraud, concealment or misrepresentation has been practised by the writ petitioner as rather to the contrary on the basis of the statutory rules and the qualification as exhibited by the writ petitioner, she was selected. Once the employers, the Postal Department had taken a stand before the Tribunal and is also maintaining it before us that the qualification of Prathama is equivalent to matriculation and invariably selections have been conducted of the candidates who are possessing the said qualification then it cannot be said that the selection and appointment of the writ petitioner was illegal.

21. There is another reason in subscribing to the contention raised by the writ petitioner that she is eligible and qualified particularly when nothing has been brought on record before us in the present proceedings that the notification dated 21.11.2006 had been done away with or there is any change in the recruitment rules on the said subject whereby the candidates who possessed Prathama from Hindi Sahitya Sammelan have been rendered ineligible.

22. Moreover the question of equivalence is to be left to the employer and it would not be a matter of judicial scrutiny by the Courts. Hon'ble Supreme Court in the case of **Zahoor Ahmad Rather and others Vs. Sheikh Imtiyaz Ahmad and others: 2019 (2) SCC 404** has observed as under:-

“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”.

23. Accordingly, we are of the firm opinion that the Tribunal has overlooked the vital aspects which are germane to the controversy in question and has erred in law in setting aside the appointment of the writ petitioner while allowing the original application.

24. In view of the foregoing discussions, the writ petition stands **allowed**. The order dated 20.03.2024 passed by the Tribunal in O.A. No. 1820 of 2010 is set aside.

25. Consequently, the original application stands dismissed.

26. The natural and legal consequences shall follow.

Order Date :- 25.10.2024

Rajesh

(Vikas Budhwar, J.) (Arun Bhansali, CJ.)