



2026:CGHC:3220

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1984 of 2019**

1 - Vivek Tirkey S/o Shri Adalram Tirkey Aged About 29 Years R/o Village Sur,
Police Station Sitapur, District Surguja Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh **... Petitioner**

versus

1 - State Of Chhattisgarh Through The Secretary, Housing And Environment
Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh

2 - Chhattisgarh Public Service Commission Shankar Nagar Road, Bhagat
Sing Square District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - The Controller Of Exams, Chhattisgarh Public Service Commission Shankar
Nagar Road, Bhagat Singh Square District Raipur Chhattisgarh., District :
Raipur, Chhattisgarh **---- Respondents**

For Petitioner : Ms. Deeksha Jaiswal, Advocate holding the brief
of Mr. Goutam Khetrapal, Advocate
For State : Mr. Dilman Rati Minj, Dy. A.G.
For respondents No.2 : Mr. Sudeep Agrawal, Advocate
& 3

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****20.01.2026**

1. The petitioner has filed this petition seeking following relief(s) :

"10.1 That, this Hon'ble Court may kindly be pleased to set-aside the impugned advertisement so far as it relates to prescribing educational qualification and further be pleased to direct the respondents to consider the candidature of the petitioner as an eligible candidate for the post of Additional Director (Planning).

10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Ms. Jaiswal, Advocate appearing for the petitioner would submit that the petitioner did his Graduation in Bachelor of Architecture from Chhattisgarh Swami Vivekanand Technical University, Bhilai (C.G.) in the year 2015 and further completed Masters in Planning (Urban and Regional Planning) from School of Planning and Architecture. She would further submit that on 02.01.2019, an advertisement was floated by the Chhattisgarh Public Service Commission for total 12 posts of Assistant Director (Planning), wherein, requisite educational qualification required was “Graduation in Planning”. She would contend that the petitioner submitted his application form but he was not permitted to participate in the recruitment process. She would further contend that the petitioner has requisite qualification as prescribed in the advertisement but deliberately respondents No.2 & 3 debarred him from participating in the written examination. She would submit that earlier a writ petition was filed by one Neetesh Chandrakar challenging the very advertisement issued by respondent No.2 dated 02.01.2019 and in said writ petition, the observation was made that if the petitioners succeed in these petitions, their claim shall remain alive for the subject recruitment. She would further submit that the respondents authorities may be directed to consider the claim of the petitioner.

3. On the other hand, learned counsels appearing for the respondents would oppose the submissions made by Ms. Jaiswal. They would submit that the required qualification for the post of Assistant Director (Planning) was Graduate Degree in Planning, whereas, the petitioner was having Graduate Degree in Architecture and he did Masters Degree in Planning, therefore, according to the Chhatisgarh Town and Country Planning (Class I & II) (Gazetted) Service Recruitment Rules, 2014, he was not permitted to participate in the recruitment process. It is also contended that pursuant to an advertisement dated 02.01.2019, the recruitment process has already been completed and the candidates have been appointed and those appointed candidates have not been arrayed as respondents in this petition. They would further submit that the Hon'ble Supreme Court in the matter of **Shifana P.S. Vs. The State of Kerala and others** passed in **Civil Appeal No.4468 of 2013**, decided on **6th of August, 2024** has held that the equivalence of a qualification is not a matter that can be determined in exercise of power of judicial review. They would submit that the petition deserves to be dismissed.
4. I have heard the learned counsels appearing for the parties and perused the documents placed on record.
5. The required qualification for the post of Assistant Director (Planning) was Graduate Degree in Planning, whereas, the petitioner was having Graduate Degree in Architecture.

Subsequently, the petitioner acquired qualification of Masters Degree (Planning) but that was not essential qualification for the post of Assistant Director (Planning), therefore, he was rightly not permitted to participate in the recruitment process.

6. The issue with regard to equivalence of a qualification, the Hon'ble Supreme Court in the matter of **Shifana (supra)** while dealing with the similar issue held in paras 14,15 & 16 as under:

*“14. This Court in the case of **Zahoor Ahmad Rather and Others v. Sheikh Imtiyaz Ahmad and Others**, reported in 2019 (2) SCC 404 held that judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Therefore, the equivalence of a qualification is not a matter that can be determined in the 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.*

(emphasis supplied)

*15. In **Unnikrishnan CV and Others v. Union of India and Others**, reported in 2023 SCC Online SC 343, a three Judge Bench of this Court, while relying upon the earlier judgment in the case of **Guru Nanak Dev University v. Sanjay Kumar Katwal and Another**, reported in (2019)1 SCC 610 held that 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 specific order or resolution, duly published.*

*16. The fervent plea advanced on behalf of the appellant that the University of Calicut had issued a certificate dated 10th October, 2011 verifying that B.Sc(Polymer Chemistry) course of the said University is recognised as equivalent to its B.Sc(Chemistry) course is also not tenable in light of the observations made by this Court in the case of **Unnikrishnan CV(supra)**. In view of the settled principles of law flowing from the above precedents, we are of the firm view that the appellant herein was not qualified for the post advertised vide notification dated 30th April, 2008.”*

7. As informed by Mr. Minj, learned Deputy Advocate General and Mr. Agarwal, Advocate that recruitment process has already been completed and selected candidates have been offered appointment but the petitioner has not arrayed those appointees

as respondents in the present petition. Therefore, also this petition is not maintainable.

8. Taking into consideration the above-discussed facts and the law laid down by the Hon'ble Supreme Court in the matter of **Shifana (supra)**, I do not find any good ground to issue any direction in favour of the petitioner. Resultantly, this petition fails and is hereby **dismissed**.

Sd/-

(Rakesh Mohan Pandey)

Judge

Rekha