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

+ **W.P.(C) 3708/2026, CM APPL. 18083/2026**

AKHIL

.....Petitioner

Through: Mr. Nitin Bhanwala, Advocate.

versus

NATIONAL FERTILIZERS LIMITED

.....Respondent

Through: Mr. Om Prakash and Mr. Rajeev
Ranjan Pathak, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **23.03.2026**

1. This writ petition seeks a direction to the Respondent to permit the Petitioner to join the post of Store Assistant (W-3) along with all consequential service benefits. The Petitioner also assails the action of the Respondent in denying him appointment on the ground of non-fulfilment of the prescribed educational qualification.

Factual Background

2. The Respondent/National Fertilizers Limited advertised, among other non-executive workers' posts, the post of Store Assistant (W-3). The Petitioner applied, was issued an admit card, appeared in the written examination, and his name figured in the list of provisionally selected candidates. He was thereafter called for document verification.

3. The Petitioner asserts that, having completed document verification, he expected the joining letter to follow, but nothing was communicated to him. He later came to know that other candidates selected in the same



process for the same post had been issued appointment or joining letters, one such letter being dated 30th September, 2025. According to him, he alone was left out, without prior notice and without any reason being disclosed at that stage.

4. The Petitioner issued a legal notice to the Respondent on 22nd December, 2025. In reply dated 14th January, 2026, the Respondent stated that the Petitioner did not satisfy the prescribed educational qualification because he held a B.Tech degree and not the qualification stipulated in the advertisement. The reply further alleged that, by describing himself in the online application as a graduate in science, the Petitioner had furnished incorrect information. The Petitioner challenges that decision and seeks a direction for issuance of the joining letter.

Petitioner's Case

5. Counsel for the Petitioner submits as follows:

5.1 The Petitioner cannot be denied appointment at the last stage of the recruitment process on a ground that was never clearly stated in the advertisement and was never put to him until after the process had run its course in his case. The Petitioner was not screened out at the threshold. His application was scrutinised and accepted. He was permitted to take the written examination. He was then declared successful and called for document verification. This sequence is not consistent with a case of obvious ineligibility. If the Respondent considered him outside the qualification prescribed, that objection ought to have been raised at the earliest stage. To allow the Petitioner to proceed until others were issued joining letters and then deny him appointment is arbitrary and unfair.

5.2 The prescribed qualification in the advertisement was not "B.Sc." as



such. What was required was “full time regular Graduate in Science/Commerce/Arts” with the stipulated marks, which expression is wider than a conventional Bachelor of Science degree. In that situation, it is not open to the Respondent to read into the advertisement a disqualification which the employer did not choose to set out. The Petitioner holds a B.Tech degree in Mechanical Engineering, which is a graduate degree founded on scientific study and application. If the Respondent intended to confine eligibility only to a Bachelor of Science, it ought to have stated so in clear terms; however, it did not.

5.3 The Respondent is reading the advertisement far more narrowly than its language permits. A B.Tech degree is not alien to the science stream; it is one of its most recognised professional manifestations. The question is not whether the degree is technical in nature, but whether it falls within the broad expression “graduate in science”. According to the Petitioner, the answer must be in the affirmative.

5.4 No speaking order was passed and no opportunity of hearing was afforded to the Petitioner before his candidature was rejected. The Petitioner remained without any communication while others moved forward, and the Respondent’s stand surfaced only later in reply to the legal notice, which is indicative of arbitrariness in the decision-making process.

5.5 Reliance is placed on Gazette Notification dated 5th-11th July, 2014 issued by the University Grants Commission to contend that degrees such as B.E. and B.Tech are recognised graduate degrees within the broad field of science. Thus, the Respondent cannot treat the Petitioner’s degree as falling outside “graduation in science”.

5.6 Reliance is also placed on the decision of the Jharkhand High Court in



Naveen Kumar v. State of Jharkhand,¹ where it was expressly held that a B.Tech degree cannot be excluded when the eligibility condition is framed as graduation in science and there is no express exclusion of technical degrees. He submits that the reasoning of that judgment applies here and supports the Petitioner's case in full.

5.7 The Respondent's action is discriminatory. The Petitioner had reached the stage of provisional selection and document verification, yet while other selected candidates were issued joining letters, he alone was left out. Such differential treatment has no rational basis. The Petitioner was similarly placed with the other selected candidates in the process, and the Respondent has not disclosed any intelligible basis for singling him out.

5.8 The Respondent cannot take shelter behind vague references to employer discretion in matters of qualification. While the employer is entitled to prescribe qualifications, once it has framed the qualification in broad terms, it is bound by the language it has chosen. It cannot later narrow the field by administrative interpretation to the prejudice of a selected candidate.

5.9 Insofar as the allegation of incorrect disclosure is concerned, it is contended that the Petitioner did not play fraud or suppress any material fact. His case is that he is, in substance and in law, a graduate in the science stream, and that the description furnished by him in the application form must be understood in that light.

Respondent's Case

6. On the other hand, counsel for the Respondent submits as follows:

6.1 The Petitioner acquired no vested right to appointment merely

¹ 2024 SCC OnLine Jhar 1807.



because he was allowed to participate in the recruitment process or was provisionally selected. Under the advertisement, candidature remained provisional throughout and was always subject to verification of eligibility and correctness of the particulars furnished.

6.2 The minimum educational qualification prescribed for the post was “full time regular Graduate in Science/Commerce/Arts”. The Petitioner does not possess that qualification in the form required by the advertisement. He holds a B.Tech degree, which is a technical and professional engineering qualification and not the qualification prescribed for this non-executive workers’ post.

6.3 The advertisement itself makes the position clear. A candidate possessing a higher technical or professional qualification is eligible only if he also mandatorily possesses the minimum educational qualification prescribed for the post. The advertisement further provides that no claim of equivalent educational qualification shall be entertained and that the Respondent’s decision in that regard shall be final and binding. The Petitioner’s case is, in substance, an impermissible claim of equivalence.

6.4 The Respondent is entitled to decide what qualification is suitable for the post. The post in question is a non-executive workers’ post, and the employer consciously chose the qualification it considered appropriate. The Court ought not to rewrite that prescription by treating some other degree as acceptable merely because it may be seen as higher in a different sense.

6.5 The Petitioner also did not furnish the correct particulars in the application form. He declared himself as a graduate in science, whereas he, in fact, held a B.Tech degree. The Respondent was therefore justified in treating the candidature as ineligible at the stage of scrutiny and document



verification.

6.6 The Petitioner cannot rely on the mere fact that he was permitted to take the examination or that his name appeared in the provisional list. If an ineligible candidate slips through the earlier stages of recruitment, the employer is still entitled to reject his candidature once the defect is noticed.

6.7 The reliance placed by the Petitioner on broader practice in other recruiting bodies, on academic notifications, or on the Jharkhand High Court judgment is misplaced. The present recruitment is governed by the terms of this advertisement, and those terms expressly rule out any claim of equivalence.

6.8 Reliance is placed on the judgement of the Supreme Court in ***Chief Manager, Punjab National Bank v. Anit Kumar Das***,² to submit that the employer's prescription of qualification must be respected, that a candidate cannot insist on being treated as eligible on the strength of a different qualification, and that incorrect disclosure of qualification is itself a serious matter.

6.9 On that basis, it is submitted that the Respondent has acted strictly in accordance with the advertisement, that there is no arbitrariness or discrimination, and that the writ petition deserves to be dismissed.

Discussion and Reasons

7. The case does not really turn on whether the Petitioner was allowed to sit in the examination, or whether his name appeared in the list of provisionally selected candidates, or even whether he was called for document verification. Those circumstances explain his grievance, but do not, by themselves, create an obligation to appoint him. The real question is

² 2020 INSC 629.



narrower: did he possess the qualification prescribed in the advertisement for the post of Store Assistant?

8. That question has to be answered from the advertisement first, not from general notions about academic equivalence. The post in issue was not an executive or technical post. The eligibility conditions requirements provided for the said post is as follows:

61000145	Store Assistant	Minimum - 18 years Maximum - 30 years	Full time regular Graduate in Science/Commerce/Arts with minimum 50% (45% for SC/ ST/ PwBD/ Departmental candidates) marks in aggregate from Govt. recognized Institutes/ Colleges
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9. In the application form, the Petitioner provided information regarding information pertaining to his educational qualifications, as follows:

25.	Essential Educational Qualification (As per Advertisement)						
	Qualification	Specialization / Course	Institute / University	Nature of the course	Duration of the course	Aggregate % of Marks	Date of Passing
	Graduation	Science	MAHARSHI DAYANAND UNIVERSITY ROHTAK	FullTime	3	66.17	15/12/2020

10. The relevant clauses of the advertisement pertaining to, *inter alia*, eligibility and qualification are extracted below:

"C. MINIMUM ELIGIBILITY CRITERIA AS ON CUT OFF DATE (Table-02)

.....xxx.....xxx.....xxx.....

3. EDUCATIONAL QUALIFICATION (Column-iv)

a. Minimum percentage of marks in the minimum educational qualification as indicated above shall be aggregate of all semesters/years and irrespective of the weightage given to any particular semester/year by the Institute/University.

b. Candidates possessing higher technical/ professional qualifications in the relevant field/ discipline will also be considered eligible for the above posts provided they mandatorily possess Minimum Educational Qualification as mentioned in Column iv of Table-02 above.

c. No claim of possession of equivalent educational qualification(s) to the advertised educational qualification would be entertained and decision of NFL in this regard would be final and binding.

.....xxx.....xxx.....xxx.....

F. APPOINTMENT & PLACEMENT



1. Candidature of the applicant would be provisional and subject to subsequent verification of credentials of candidates w.r.t. advertised recruitment specifications at the time of document verification, as & when called for. Candidature of the candidate is liable to be rejected if it is found that he/she does not meet the advertised eligibility criteria for the post he/she has applied for, irrespective of his/her merit position on the basis of marks secured in Offline OMR based examination. This clause be read with Clause No. H.10 of this advertisement also.

.....xxx.....xxx.....xxx.....

H. GENERAL INSTRUCTIONS

2. NFL will not undertake detailed scrutiny at the time of receipt of application forms of candidates for eligibility and other aspects of shortlisting and, therefore, the candidature is only provisional. Before applying, candidates are advised to go through the advertised recruitment specifications w.r.t. essential qualification, age etc. and satisfy themselves that they are eligible for the post. When scrutiny is undertaken, if any claim made in the application form is not found substantiated, the candidature of such candidates will be cancelled and decision of NFL shall be final.”

11. As can be seen from the above, the minimum educational qualification prescribed for the post was “full time regular Graduate in Science/Commerce/Arts” with the stipulated marks. That expression cannot be read in isolation. The advertisement contains specific clauses regarding anti-equivalence claims. It states a candidate with a higher technical or professional qualification is eligible only if he also mandatorily possesses the minimum educational qualification indicated above (Clause C.3.b), and it separately states that no claim of equivalent educational qualification will be entertained and the Respondent’s decision in this regard will be final (Clause C.3.c). Further, the advertisement makes candidature provisional and liable to rejection if the candidate does not satisfy the advertised eligibility criteria (Clause F.1.).

12. These clauses demonstrate that the Respondent did not leave the question of equivalence open. The advertisement plainly contemplated that some applicants might hold technical or professional degrees, but made their



eligibility conditional on their also mandatorily possessing the minimum qualification prescribed for the post. It further excluded any general claim that some other qualification should be treated as equivalent. To that extent, the Petitioner faces a real difficulty. His case can succeed only if he shows, not merely that B.Tech is a higher or cognate qualification, but that on a proper reading of the advertisement and his own disclosed qualifications, he satisfied the prescribed minimum qualification itself.

13. The Petitioner states that a B.Tech degree is, in substance, a graduate degree in the science stream, and that if the Respondent intended to confine eligibility to a Bachelor of Science degree, it ought to have advertised so in clear terms. That submission may have some force when read independently; however, the advertisement must not be read in fragments. The Respondent was not merely prescribing a broad academic threshold, but a qualification it considered appropriate for a particular class of post. The issue is not whether a B.Tech degree is rigorous or valuable, it may be in some circumstances. The question, however, is whether it was a qualification that the Respondent had chosen to accept for the post in question. On the terms of the advertisement, the answer must be in the negative, unless the Petitioner also possessed the prescribed minimum qualification.

14. The Petitioner's reliance on being provisionally selected does not carry him very far. The advertisement expressly stipulated that the Respondent would not undertake a detailed scrutiny at the stage of receipt of applications, and that the candidature would, therefore, remain provisional. It further provided that upon scrutiny, if any claim made in the application form is found to be unsubstantiated, the candidature of such candidates



would be cancelled, and the decision of the Respondent in this regard would be final (Clause H.1.). Furthermore, if an ineligible candidate was allowed through earlier stages, that does not create a right in his favour. Nor does it stop the employer from rejecting the candidature once the defect is noticed. Recruitment does not become irreversible merely because the process has advanced.

15. Pertinently, the Respondent's case is not only that B.Tech is beyond the prescribed qualification, but also that the Petitioner did not furnish the educational details in the form in a manner that faithfully reflected the qualification on which he now relies. If that is so, the matter becomes still more serious. An applicant who seeks appointment in public employment must disclose his qualification accurately. The employer is entitled to insist on that. A candidate cannot fill the form in one way and then ask the Court to defend the candidature on a different footing.

16. The decision of the Supreme Court in *Anit Kumar Das* also supports the view of the Respondent. The Court there made it clear that the relevance of the prescribed qualification is for the employer to determine, and that a candidate cannot insist, after participating in the process, that some different or supposedly higher qualification must be treated as satisfying the eligibility requirement. The law does not proceed on the assumption that every higher qualification includes every lower one for recruitment purposes. Much depends on what the employer has chosen to prescribe for the post and whether that choice is arbitrary. Nothing on this record suggests that the prescription here was arbitrary.

17. The Petitioner relies on the judgment of the Jharkhand High Court in *Naveen Kumar*. That decision does support the view that a B.Tech degree



may, in certain circumstances, be treated as falling within the broad stream of science; however, the present recruitment is not governed by that judgment alone. The advertisement here contains express terms which materially alter the position. It does not merely prescribe graduation in science but goes on to state that a higher technical or professional qualification does not, by itself, suffice and that no claim of equivalence will be entertained. That feature marks a real distinction. The *Naveen Kumar* case cannot be read as requiring the Court to ignore the express language of this advertisement.

18. The Petitioner also contends that the Respondent acted unfairly in telling him only later, through the reply to the legal notice, that he was not eligible. There is some force in the averment that the process should have been handled more clearly and more promptly. A candidate who has been taken through the entire recruitment exercise is entitled to a timely and direct communication if his candidature is to be rejected; however, that does not answer the legal issue. A deficiency in the manner of communication cannot create an eligibility that the advertisement itself does not confer.

19. The allegation of discrimination also does not carry the Petitioner much further. The mere fact that other candidates were issued joining letters while the Petitioner was not does not, by itself, establish discrimination. If the others possessed the prescribed qualification and he did not, their cases were not alike. Equality operates among equals. It cannot be invoked to compel the employer to appoint a candidate who does not satisfy the advertised eligibility conditions simply because others who do satisfy them, have been appointed.

20. For the foregoing reasons, the Court is not persuaded that the



Respondent acted beyond the terms of the advertisement or in a way that warrants interference in writ jurisdiction.

21. The petition is accordingly dismissed. Pending application(s), if any, are also disposed of.

SANJEEV NARULA, J

MARCH 23, 2026

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