

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 3414 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE NIRZAR S. DESAI

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Approved for Reporting	Yes	No
	Yes	

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MEHUL GANAPATBHAI VAGHELA & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MS MEGHA JANI SENIOR ADVOCATE WITH MS KRISHA M
 BHIMANI(12795) for the Petitioner(s) No. 1,2
 MR PARTH PATEL ASSISTANT GOVERNMENT PLEADER for the
 Respondent(s) No. 1
 MR PREMAL R JOSHI(1327) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 04/05/2026

ORAL JUDGMENT

1. With the consent of the learned advocates appearing for the respective parties, the matter was taken up for final hearing. Hence, **RULE**. Learned Assistant Government Pleader Mr. Parth Patel waives service of rule on behalf of respondent No. 1, and

learned advocate Mr. Premal Joshi waives service of notice on behalf of respondent No. 2.

2. Heard learned Senior Advocate Ms. Megha Jani with learned advocate Ms. Krisha Bhimani appearing for the petitioners, learned Assistant Government Pleader Mr. Parth Patel appearing for respondent No. 1 – State, and learned advocate Mr. Premal Joshi appearing for respondent No. 2 – GPSC.

3. By way of this petition, the petitioners have prayed for the following reliefs:

“(A) that the Hon'ble Court be pleased to issue a writ of mandamus and/or any other writ in the nature of mandamus or any other appropriate writ quashing and setting aside the communication dated 31.01.2026 issued by the Gujarat Public Service Commission, Respondent No. 2 herein to (Annexure A) the extent it declares Petitioners ineligible for the interview and consequently declare Petitioners eligible for the interview,

(B) that the Hon'ble Court be pleased to issue a writ of mandamus and/or any other writ in the nature of mandamus or any other appropriate writ commanding the Respondents to consider M. Tech (Infrastructure Engineering & Technology) as equivalent to M. Tech (Infrastructural Planning);

(C) that pending the hearing and final

disposal of this petition the Hon'ble Court be pleased to direct the Respondents to allow Petitioners to appear in the interview pursuant to Advertisement No. 07/2025-26 issued by the Respondent Commission for the post of Junior Town Planner, Class-II; (Annexure-C)

(D) that pending the hearing and final disposal of this petition the Hon'ble Court be pleased to direct the Respondents to keep two posts vacant pursuant to Advertisement No. 07/2025-26 for the post of Junior Town Planner, Class-II (Scheduled Cast, male); [Annexure-C]

(E) For ad interim relief in terms of paragraph (C) and (D);

(F) For costs;

(G) For Such other and further reliefs as may be deemed appropriate by this Hon'ble Court in the present circumstances."

4. The issue involved in this petition is in a very narrow compass, as can be seen from the prayer reproduced herein above, which indicates that the petitioners want to participate in the selection process pursuant to the advertisement issued by the GPSC for recruitment to the post of Junior Town Planner, Class-II, being Advertisement No. 7/2025-26. The issue involved in this petition is whether the degree possessed by the petitioner that of M. Tech

(Infrastructure Engineering & Technology) to be considered as equivalent to the degree prescribed by the advertisement that is of M. Tech (Infrastructural Planning).

5. It is the case of the petitioners that, though the petitioners are fulfilling all the eligibility criteria for applying for the post in question, the petitioners possess the educational qualification of M.Tech (Infrastructure Engineering and Technology), whereas the requisite qualification is M.Tech (Infrastructural Planning); though the petitioners applied for the post in question and the application was processed vide communication dated 31.01.2026, while publishing the list of ineligible candidates, the petitioners were held ineligible on the ground of not possessing the requisite qualification as per the recruitment rules, and therefore, the petitioners have preferred this petition.

6. Learned Senior Advocate Ms. Megha Jani appearing for the petitioners made the following

submissions:

6.1 That the selection process outlined in the advertisement consists of two successive stages, namely, a preliminary examination of objective type and an oral interview, for which the petitioners appeared in the preliminary examination and cleared the same as they were declared eligible. However, at the stage of document verification, they were declared ineligible for not possessing the requisite qualification. Both the petitioners herein possess the degree of M.Tech (Infrastructure Engineering and Technology), which can be said to be equivalent to M.Tech (Infrastructural Planning), which is the requirement as per the advertisement, as the syllabus of both the courses is similar.

6.2 It was also submitted that the petitioners passed the M.Tech course in Infrastructure Engineering and Technology from Gujarat Technological University (Birla Vishwakarma Mahavidhyalaya), and that Birla Vishwakarma Mahavidhyalaya issued a circular certifying that M.Tech (Infrastructure

Engineering and Technology) may be considered equivalent to M.Tech (Infrastructural Planning) to meet the eligibility criteria prescribed by the recruiting bodies. Learned Senior Advocate Ms. Megha Jani, therefore, submitted that, as both the courses are equivalent, the petitioners be treated as eligible for the post in question and that the communication dated 31st January 2026, holding them ineligible, be quashed.

7. When the matter was listed for the first time before this Court, this Court, on 12th March, 2026, while issuing notice, passed the following order:

"1. Heard learned advocate Ms. Krisha Bhimani for the petitioners. Learned advocate Ms. Bhimani for the petitioners states that the present petitioners are possessing degree of Masters of Technology Infrastructure Engineering and Technology which according to learned advocate for the petitioner is equivalent to the prescribed educational qualification as the respondents have asked for following educational qualification:-

"(ii) A post-graduate degree or post-graduate diploma in City Planning / Town Planning / Regional Planning / Traffic and Transportation Planning / Urban Design / Urban Planning / Infrastructure

Planning / Industrial Planning or Environmental Planning obtained from any of the Universities established or incorporated by or under the Central or State Act in India; or any other educational institution recognized as such or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1956 or institution approved by All India Council of Technical Education;"

2. Learned advocate Ms. Bhimani for the petitioner then drew the attention of this Court to the equivalent certificate issued by the institute wherein the petitioners have studied namely Birla Vishvakarma Mahavidyalaya, Vallabh Vidhyanagar, Anand. The said equivalent certificate dated 04.02.2026 reads as under:-

" To Whomsoever it May Concern

This is to certify that the M.Tech (Infrastructure Engineering & Technology) programme offered by Birla Vishvakarma Mahavidyalaya (BVM), Vallabh Vidhyanagar, may be considered as equivalent to M.Tech (Infrastructure Planning) to meet the eligibility criteria prescribed by the recruiting bodies.

The above equivalency is certified based on a detailed review and comparison of the concerned programmes and their curriculum structure and subject contents.

This certificate is issued for the purpose of academic clarification and eligibility consideration, on the request of the concerned postgraduate pass-out students of BVM, for submission

to the Gujarat Public Service Commission (GPSC) and other competent authorities.

This equivalency certification is issued with the approval of competent authorities of the institute, in the interest of facilitating the student's application.

Date:04/02/2026

Place:Vallabh Vidhyanagar"

3. It is the case of the petitioners that despite the fact that the petitioners are having the qualification which is equivalent to the prescribed qualification and despite having cleared the preliminary round of examination, they are not being considered to appear for the oral interview which is the second round and therefore without creating any equity or right in favour of the petitioners and subject to final outcome of the this petition, the petitioners may be permitted to appear in the interviews that may be held for the post in question.

4. Learned advocate Ms. Bhimani for the petitioners also submitted that the petitioners shall file an undertaking to the effect that if they are permitted to appear in the interview on the basis of their equivalent qualification, they shall not claim any right or equity merely because they are being allowed to participate in the interview.

5. In view of above statement made by learned advocate Ms. Bhimani for the petitioners and subject to filing of undertaking to the above effect before this Court copy of which be forwarded to respondent No. 2 – GPSC, the respondent

No. 2 – GPSC is directed to call the petitioners for interview as and when the interviews for the post in question are held. However, their result may be kept in a sealed cover and the same may not be declared till the Court passes any further order.

6. In view of above directions, issue Notice returnable on 09.04.2026. Learned Assistant Government Pleader Mr. Henil Shah waives service of notice on behalf of respondent No. 1. Direct service to respondent No. 2 is permitted."

8. Thereafter, the respondent GPSC filed an affidavit and opposed the petition, stating that both the courses are different and cannot be said to be equivalent to each other.

9. Thereafter, learned counsel for the parties arrived at a consensus that the matter may be referred to a panel of experts consisting of three members to determine the issue of equivalence between the two courses in question, and therefore, a further detailed order was passed on 13th April, 2026, which reads as under:

"1. Heard learned Senior Advocate Ms. Megha Jani with Learned Advocate Ms. Krisha Bhimani for the petitioners; Learned AGP Mr. Parth Patel for the respondent State; and Learned Advocate Mr. Premal Joshi for GPSC.

2. The issue involved in the present petition pertains to an advertisement published by GPSC for the post of Junior Town Planner, Class-II, dated 13.12.2025. The educational qualifications prescribed in the said advertisement are as under:

(i) a Bachelor's degree of Architecture or Civil Engineering/ Technology or Planning obtained from any of the Universities established or incorporated by or under the Central or a State Act in India; or any other educational institution recognised as such or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1956; or any other equivalent qualification recognised as such by the Architects Act, 1972 and

(ii) A post-graduate degree or post-graduate diploma in City Planning/Town Planning /Regional Planning / Traffic and Transportation Planning / Urban Design / Urban Planning / Infrastructure Planning / Industrial Planning or Environmental Planning obtained from any of the Universities established or incorporated by or under the Central or a State Act in India; or any other educational institution recognised as such or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1956 or institution approved by All India Council for Technical Education.

3. It is the case of the petitioners, as canvassed by Learned Senior Advocate Ms. Jani, that the petitioners possess a degree of Master of Technology in Infrastructure Engineering and Technology,

which, according to them, is equivalent to the qualification prescribed by GPSC, namely a Post-Graduate degree in Infrastructure Planning.

4. The petition is opposed by the learned advocates appearing for the State Government as well as GPSC.

5. After hearing the parties, Learned Senior Advocate appearing for the petitioners, as well as the learned advocates appearing for the State, namely Learned AGP Mr. Parth Patel, and Learned Advocate Mr. Premal Joshi for GPSC, upon instructions from their respective clients, submitted that in order to determine whether the degree possessed by the petitioners and the qualification prescribed in the advertisement can be considered equivalent, the matter may be referred to a panel of experts consisting of three members. Accordingly, this Court orally requested the learned counsel for the petitioners, the learned AGP, and the learned advocate for GPSC to suggest names of experts for constituting such a panel. It was further suggested that a panel of three experts would be constituted by the Court to determine the issue of equivalence between the two courses in question.

6. Accordingly, today the State Government, through the Additional Chief Town Planner, Town Planning and Valuation Department, Gujarat State, Gandhinagar, has communicated to Learned AGP Mr. Parth Patel and requested inclusion of the following experts in the Expert Committee:

(i) Professor Dr. Sanjay Gupta, Head of Department, Faculty of Town Transport

Planning, School of Planning and Architecture, New Delhi;

(ii) Shivanand Swami, Professor Emeritus, Center of Excellence for Urban Transport at CEPT Research and Development Foundation (CRDF), CEPT University, Ahmedabad.

7. Learned Senior Advocate Ms. Jani has disclosed that a close relative is associated with CEPT University. However, since the name has been recommended by the State Government itself, Learned AGP Mr. Parth Patel has expressly stated that the State has no objection in this regard.

7.1. Similarly, Learned Senior Advocate Ms. Jani, upon disclosing that she has represented SVNIT in various matters, raised a concern as to whether it would be appropriate to appoint an expert from the said institution. In this regard, this Court observed that representation of an organization by a counsel in a professional capacity stands on a different footing from seeking academic assistance from an expert associated with such institution. Upon such disclosure, which was not opposed by Learned AGP Mr. Parth Patel, Learned Advocate Mr. Premal Joshi for GPSC, or Learned Advocate for Gujarat Technological University, the name of Professor Dr. Shrinivas S. Arkatkar was suggested by SVNIT through a communication addressed by its Registrar to Learned Advocate Ms. Krisha Bhimani. Accordingly, this Court deems it appropriate to constitute a panel of three experts, namely:

(i) Professor Dr. Sanjay Gupta, Head of Department, Faculty of Town and Transport

Planning, School of Planning and Architecture, New Delhi;

(ii) Shivanand Swami, Professor Emeritus, Centre of Excellence for Urban Transport, CEPT Research and Development Foundation (CRDF), CEPT University, Ahmedabad; and

(iii) Professor Dr. Shriniwas S. Arkatkar, Sardar Vallabhbhai Institute of Technology (SVNIT), surat.

7.2. The aforesaid experts are requested to examine and determine whether the qualification prescribed by GPSC and the qualification possessed by the petitioners can be considered equivalent, and whether the petitioners satisfy the eligibility criteria prescribed in the advertisement in question. The experts are at liberty to seek any material required for such determination from GPSC and the petitioners and shall preferably submit their opinion within a period of seven days from the date of receipt of this order. The State Government is directed to facilitate communication of any requirement of the Committee through Learned AGP Mr. Parth Patel, who shall, in turn, communicate the same to Learned Advocate Ms. Krisha Bhimani for the petitioners.

8. The experts, upon receipt of such material as they may deem appropriate, shall examine the issue and are requested to submit their joint report of committee preferably within a period of 10 days after their requirements for determining the equivalence are fulfilled by the respective parties.

9. In the event the experts' report is

ready, the same shall be placed before this Court in a sealed cover on 04.05.2026.

10. The State Government is directed to pay an honorarium of Rs.10,000/- (Rupees Ten Thousand only) to each of the experts as a token of recognition and appreciation for the time devoted by them pursuant to the request of this Court. The State Government is further directed to bear the transportation expenses of the messenger who submits the report of the Expert Committee in a sealed cover before this Court on the next date of hearing, and to pay an additional amount of Rs.2,500/- to the said messenger.

S.O to 04.05.2026."

10. Today, pursuant to the above order, the panel of experts has submitted a report in respect of the present petition as well as in respect of another petition being Special Civil Application No. 3460 of 2026, as in both the matters the same advertisement is under challenge. In the said petition also, the issue of equivalence, though in respect of a different course but pursuant to the same advertisement is under challenge, and this Court had also passed a similar order in that petition on the same day, i.e. on 13th April, 2026. Therefore, a

composite report has been submitted.

11. The extract of the report in paragraph 5 and 6, under the head "Conclusion and Determination" and "Signature of Committee Members," is reproduced as under:

"5. Conclusions and Determination

Having examined and deliberated upon the program duration, program orientation, pedagogy and comparative curriculum structure, credit distribution, of the two PG programmes under consideration -viz. M. Tech in Infrastructure Engineering and Technology (BVM Engineering College, GTU) and M.E. in Civil (Transportation Engineering) (L.D. College of Engineering, GTU) - in relation to established M. Planning (Infrastructure Planning) and M. Planning (Transport Planning) programmes offered at SPA Delhi, CEPT University, and GNDU Amritsar, the Expert Committee arrives at the following conclusions:

Finding 1-Structural Deviation with Planning Education

Both the BVM and LDCE programmes are structured as engineering degrees, with a primary focus on engineering sciences and technology. The planning-relevant academic content-in terms of studio credits, core planning subjects, and dissertation orientation constitutes approximately 25-26 credits each, against the 80-96 credits in planning-focused content that characterise benchmark M. Planning programmes. This represents a shortfall of

approximately 60-65% in planning-specific academic exposure.

Finding 2-Absence of Planning Studio

Planning Studio is a central component-it is the defining pedagogical experience of professional planning education globally, integrating theoretical knowledge with applied spatial problem-solving through real-world projects. LDCE does not offer any planning studios. In the curriculum of BVM, there are two courses titles as Infrastructure Engineering & Technology Studio - I and II, the weight assigned is very limited (2+2 Credits) to qualify as a full-fledged Planning Studio. This is a fundamental and irremediable gap in the context of planning practice.

Finding 3-Complementary but Not Equivalent

The M.Tech in Infrastructure Engineering and Technology (BVM/GTU) and the M.E. in Civil (Transportation Engineering) (LDCE/GTU) offer valuable knowledge in engineering disciplines that are complementary to but cannot be substituted for professional planning education. They equip graduates for careers in infrastructure engineering and transportation engineering respectively, but do not provide the spatial planning competencies or regulatory frameworks required for the practice of town planning.

CONCLUSIONS OF THE COMMITTEE

The Expert Committee unanimously concludes that:

(i) The M.Tech in Infrastructure

Engineering and Technology offered by BVM Engineering College (affiliated to Gujarat Technological University), in our opinion, is NOT equivalent to a Master of Planning in Infrastructure Planning as offered by recognised planning institutions such as CEPT University or GNDU Amritsar.

(ii) The ME. in Civil (Transportation Engineering) offered by L.D. College of Engineering (affiliated to Gujarat Technological University) is NOT equivalent to a Master of Planning in Transport Planning as offered by recognised planning institutions such as SPA Delhi or CEPT University.

(iii) Consequently, the petitioners holding these qualifications do not satisfy the eligibility criteria prescribed in the GPSC advertisement for the post of Junior Town Planner (Class II), which requires postgraduate qualification in town planning or its recognised equivalent.

6. Signatures of Committee Members

The report represents the unanimous determination of the Expert Committee constituted by the Hon'ble High Court of Gujarat by order dated 13th April 2026. The report has been deliberated and agreed upon in committee meetings held on 28th April 2026, 30th April 2026, and 1st May 2026.

Sd/-

Sd/-

Sd/-"

12. As the committee opined that the M.Tech (Infrastructure Engineering and Technology), offered

by an Engineering College, is not equivalent to a Master of Planning (Infrastructure Planning) as offered by recognised planning institutions such as CEPT University or GNDU Amritsar, and thereby the petitioners holding these qualifications do not satisfy the eligibility criteria prescribed in the GPSC advertisement for the post of Junior Town Planner (Class-II), which requires a postgraduate qualification in Town Planning or its recognised equivalent; the aforesaid report was produced in a sealed cover before this Court and the seal cover was opened in the presence of learned counsels appearing for the parties, and thereafter it was also made available for perusal to learned Senior Advocate Ms. Megha Jani as well as learned advocate Ms. Krisha Bhimani appearing for the petitioners, and thereafter the matter was kept at 2:30 for arguments.

13. Learned advocate Ms. Krisha Bhimani appearing for the petitioners made the following submissions:

13.1 As per the decision of the Rajasthan High

Court in the case of ***Anirudh Sharma Versus Rajasthan Public Service Commission and others in SB Civil Writ Petition No. 2874 of 2024, vide its judgment dated 11.07.2024 (reserved on 14.05.2024)***, it was held that in a similar set of facts, the course of M.Tech (Traffic and Transportation Planning) offered by Rajasthan Technical University, Kota was held equivalent to M.Tech (Transportation Engineering), and by relying upon the said judgment, it was submitted that the facts of the present case are identical, and therefore, when the Rajasthan High Court has held the issue in favour of the petitioners, this Court may also hold that the degree of M.Tech (Infrastructure Engineering and Technology) is equivalent to M.Tech (Infrastructural Planning).

14. By relying upon a decision of the Honourable Supreme Court in the case of ***Lakshmikanth Sharma versus State of Madhya Pradesh and others*** reported in 2025 SCC Online SC 2712 dated 4th December, 2025 and by relying upon paragraph 42 of the said decision, it was submitted that in a case

where a contractual employee was terminated on the ground of ineligibility, the Court is entitled to examine whether that ground is factually correct and whether the relevant material was properly considered or not.

15. By relying upon the same, it was stated that this Court has ample power to consider and examine the equivalence of the two degrees.

16. Learned advocate Mr. Premal Joshi appearing for GPSC submitted that once the opinion of Experts, by forming a Committee, was sought and when the expert committee has already opined that both the degrees cannot be said to be equivalent to each other and has specifically stated that the petitioners cannot be said to be eligible for the post in question and that the petitioners holding these qualifications do not satisfy the eligibility criteria prescribed by GPSC, the Court cannot sit in appeal over the decision of the expert committee. In support of his submission, he relied upon the decision of the Honourable Supreme Court in the case

of *Anand Yadav and others versus State of Uttar Pradesh and others reported in (2021) 12 SCC 390, decided on 12th October, 2020*, and he also relied upon a decision of the Honourable Supreme Court in the case of *Unnikrishnan C. V. versus Union of India reported in 2023 (0) AIJEL-SC 70708, decided on 28.03.2023*. By relying upon this decision learned advocate Mr. Premal Joshi prayed for dismissal of this petition.

16.1 Learned Assistant Government Mr. Parth Patel also opposed the petition by adopting the submissions made by learned advocate Mr. Premal Joshi appearing for the respondent – GPSC.

17. I have heard learned advocates appearing for the respective parties and perused the record. Considering the development in this petition after the notice was issued and considering the fact that, with express consensus arrived at between the parties for forming a committee of experts, now the matter is required to be considered in a very narrow compass. The committee has already given its findings, which

are reproduced in the foregoing paragraphs, and therefore the only question that is required to be considered by the Court is as to whether the report of the committee holding that the petitioners' qualification cannot be said to be an equivalent qualification as per the advertisement is required to be accepted, or whether, despite the expert committee's opinion, the Court can sit in appeal over such opinion and still consider the issue of equivalence of the two degrees. The aforesaid issue has been considered by the Hon'ble Supreme Court recently, by way of the judgment relied upon by learned advocate Mr. Premal Joshi in the case of ***Anand Yadav and others versus State of Uttar Pradesh and others reported in (2021) 12 SCC 390, decided on 12th October, 2020***, wherein in paragraph No. 35, the Hon'ble Supreme Court has held as under:-

"35. We say so in view of the fact that matters of education must be left to educationists, of course subject to being governed by the relevant statutes and regulations. It is not the function of this Court to sit as an expert body over the decision of the experts, especially when the experts are all eminent people as apparent from the names as set out. This

aspect has received judicial imprimatur even earlier and it is not that we are saying something new. We may refer to the pronouncement in Zahoor Ahmad Rather & Ors.¹⁰ in this behalf which has dealt with the dual aspects:

(a) it is for the employer to consider what functionality of qualification and content of course of studies would lead to the acquisition of an eligible qualification; and (b) such matters must be left to educationists."

18. The aforesaid observations made by the Hon'ble Supreme Court would indicate that it is not the function of the Court to sit in appeal.

19. Similarly, in the case of *Unnikrishnan C. V. versus Union of India reported in 2023 (0) AIJEL-SC 70708, decided on 28.03.2023*, the Hon'ble Supreme Court in paragraphs Nos. 5 and 7 observed as under:-

"5. In this background, the qualification as prescribed in column No. 11 of GREF Rules, 1982 when perused, would indicate that candidate who is seeking promotion to the post of Superintendent BR Grade-I has to possess "Diploma in Civil Engineering" with 5 years regular service in the grade of General Reserve Engineering Force. Whereas appellants are possessing Diploma in Draughtsman Estimating and Design (DED), which fact is not seriously disputed by them. Mr. Tapas Das, learned counsel appearing for the appellants has

fairly conceded before this Court that an erroneous proposition was put forth before the High Court, namely, it was contended that Diploma is equivalent to a Degree and as such negating said contention, the High Court though justified its conclusion had erred in ignoring the consistent stand that had been taken by the Appellants, namely, Diploma in DED possessed by them is that of 2 years course and though column 11 prescribes Diploma in Civil Engineering for being promoted as Superintendent BR-Grade-I is to be treated as equivalent and this aspect was required to be considered by the High Court is an argument which looks attractive at first blush. However, on a careful perusal of the extant Rules as applicable for promotion to the post of Superintendent BR Grade-II, said contention has to be necessarily rejected for reasons more than one. Firstly, before the High Court appellants attempted to justify their claim contending "Diploma" is equivalent to a "Degree" and as such being entitled for promotion which has been negated by the High Court and rightly so. Secondly, appellants tried to justify their claim contending rule as applicable for direct recruitment would be applicable for recruitment by promotion, which has not been accepted by the High Court. In so far as the contention regarding qualification for promotion, the rule itself is explicit and clear, namely, it prescribes for promotion to Superintendent BR Grade-I only, those candidates possessing Diploma in Civil Engineering with 5 years regular service in the grade in General Reserve Engineering Force would be eligible. No doubt, said rule is silent with regard to Diploma in Civil Engineering being either 3 years or otherwise. It is an undisputed

fact that appellants possess 'Diploma in DED' and not 'Diploma in Civil Engineering'. It is trite law that courts would not prescribe the qualification and/or declare the equivalency of a course. Until and unless rule itself prescribes the equivalency namely, different courses being treated alike, the courts would not supplement its views or substitute its views to that of expert bodies.

7. In *Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors* 2 , it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various 1 (2009) 1 SCC 610 2 (2019) 2 SCC 404 qualifications, etc. Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine. "
(Emphasis supplied)

20. From the above observations and the view taken by the Hon'ble Supreme Court, it is crystal clear that this Court cannot sit in appeal over the decision or opinion formed by an expert body. In the instant case also, a panel of three experts from different organizations has unanimously arrived at a

conclusion that both the degrees of M.Tech (Infrastructure Engineering and Technology) and M.Tech (Infrastructural Planning) cannot be treated as equal and that the petitioners are not meeting the required educational eligibility criteria, and therefore, the expert committee's report submitted on oath on 4th May 2026, i.e. today, is binding to one and all and this Court cannot sit in appeal over the said report.

21. The judgment relied upon by learned advocate Ms. Krisha Bhimani in the case of **Anirudh Sharma (Supra)** of by the Rajasthan High Court, would not be applicable to the facts of the present case for two reasons. Firstly, in the aforesaid judgment, the judgments relied upon by learned advocate Mr. Premal Joshi, of the Hon'ble Supreme Court of India, were not considered. Secondly, in the judgment of **Anirudh Sharma (Supra)**, though the Court considered the issue of equivalence, no committee was formed under the Court's order with the express consent of all the parties. Therefore, the decision relied upon

by learned advocate Ms. Krisha Bhimani would not be applicable to the facts of the present case.

22. Resultantly, the degree possessed by the petitioners, i.e. M.Tech (Infrastructure Engineering and Technology), cannot be treated as equivalent to the degree of M.Tech (Infrastructural Planning) as per the advertisement, and the impugned order dated 31st January 2026 cannot be said to be illegal, whereby the petitioners have been held to be ineligible on account of their educational qualification.

23. In view of the above discussion, the petition fails and is required to be dismissed, and the same is dismissed accordingly. Rule is discharged. No order as to costs.

24. It is clarified that pursuant to the order dated 13.04.2026, the Court had allowed the petitioners to appear in the oral interview and their results were kept in sealed cover. However, in view of the expert committee's report and as this petition

is dismissed, the respondents are now not required to open the sealed cover as the petitioners are held ineligible to apply for the post in question.

25. However, learned advocate Ms. Krisha Bhimani submitted that the expert committee's report was brought to this Court in a sealed cover and therefore the petitioners do not have a copy of the same, and therefore a copy of the report may be provided to the petitioners. Accordingly, a photocopy of the report, at the cost of the party whosoever wants the report, be provided to the petitioner or respondent or whosoever applies for the same before the Registry of this Court. In the result, the present petition stands dismissed. Rule discharged. No order as to costs.

(NIRZAR S. DESAI,J)

Pallavi