

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 22371 OF 2023 (S-KSAT)

BETWEEN:

KARNATAKA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
UDYOGA SOUDHA,
PARK HOUSE,
BENGALURU - 560 001.

...PETITIONER

(BY SRI. REUBEN JACOB, SR. ADV. FOR
SRI MUHAMMAD SHAMIL, ADV.)

AND:

1. SMT. GEETHA
D/O SHANKARA PINGALAYA,
AGED ABOUT 42 YEARS,
RESIDING AT BALEKUDRU VILLAGE,
HENGARAKATTA POST-576 218.
UDUPI TALUK AND DISTRICT.
2. SMT. C. ROOPAVATHI
D/O LATE B. CHIKKARANGAIAH,
AGED ABOUT 39 YEARS,
RESIDING AT D.NO. 5064,
ANANDA NILAYA, KHB COLONY,
NANJANGUD - 571 301,
MYSORE DISTRICT.
3. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF MINORITIES,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.



4. DIRECTORATE OF MINORITIES
GOVERNMENT OF KARNATAKA,
REP. BY ITS DIRECTOR,
V.V. TOWERS, 20TH AND 21ST FLOOR,
MAIN, DEVARAJ URS ROAD,
VASANTH NAGAR,
BENGALURU - 560 001.
5. SMT. SAIRA BANU NADAF
AGE: MAJOR,
R/A VLBC COLONY, DIVISION NO.7,
BADAMI, BAGALKOTE - 587 201.
6. PRATHIKSHA
AGE MAJOR,
R/AT NO.2-730/30,
SUNDAR NAGAR, SEDUM ROAD,
GULBARGA, KALABURGI - 585 105.
7. UNION OF INDIA
REP. BY ITS SECRETARY,
MINISTRY OF HUMAN RESOURCES
AND DEVELOPMENT (HR. EDN),
SHASTRI BHAVAN,
NEW DELHI - 110 001.
8. DAKSHIN BHARATH HINDU PRACHAR SABHA
REP. BY ITS SECRETARY,
NO.15/22C, MELONY ROAD,
PARTHASARATHIPURAM,
T.NAGAR, CHENNAI,
TAMILNADU - 600 017.
9. KARNATAKA STATE OPEN UNIVERSITY
REP. BY ITS REGISTRAR,
MUKTHA GANGOTHRI,
MYSORE - 570 006.
10. KENDRIYA HINDI SAMSTHAN
REP. BY ITS REGISTRAR,
AGRA - 282 005,
U.P. STATE.

...RESPONDENTS

(BY SRI. RAGHAVENDRA G GAYATHRI, ADV. FOR R1 & R2
SRI K.R. RAJENDRA, AGA FOR R3 & R4
SRI B M SANTOSH, ADV. FOR R5 & R6
SMT. ANUPAMA HEGDE, CGC FOR R7 & R10
R8 AND R9 - SERVED & UNREPRESENTED)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I) CALL FOR THE RECORDS PERTAINING AND CONCERNING TO APPLICATION NOS.1270 AND 1271/2021 FROM THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE, PERUSE THE SAME AND TO DECLARE AND QUASH THE IMPUGNED ORDER DATED 8TH FEBRUARY 2023 PASSED THEREIN AS ILLEGAL AND UNSUSTAINABLE IN LAW IS ANNEXURE-A AND II) PASS ANY SUCH OTHER ORDERS AS THIS COURT MAY DEEM FIT IN THE CIRCUMSTANCES OF THE CASE, INCLUDING THE AWARD OF THE COSTS OF THIS PETITION, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **02.02.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE K. V. ARAVIND

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

Petitioner- Karnataka Public Service Commission (for short, "KPSC") is before this Court under Article 226 of the Constitution of India, questioning the legality and correctness of order dated 08.02.2023 in Application Nos. 1270 & 1271/2021, whereunder, the Karnataka State Administrative Tribunal, Bengaluru (for short "Tribunal), allowed the applications of respondents No. 1 and 2 holding that they possess equivalent B.Ed. qualification and with a direction to consider their cases for the

selection and appointment to the post of Post Graduate Hindi Language Teachers in pursuance to Notification dated 25.11.2017 based on the merit and reservation claimed, if they are otherwise eligible by following the procedure and appoint them by extending all the consequential benefits.

2. Brief facts of the case are that:

The respondent No. 1 with a qualification of M.A. in Hindi and Siksha Snathak from Dakshina Bharath Hindi Prachar Sabha, Madras and respondent No.2 with a qualification of M.A. in Hindi and Hindi Shikshan Parangath from Kendriya Hindi Samsthan, Agra, submitted application for the post of Post Graduate Hindi Language Teachers in Minority Model Residential Schools (Navodaya), under the Directorate of Minorities, Government of Karnataka, in pursuance to the Notification issued by the petitioner dated 25.11.2017 (Annexure-A35) claiming reservation under Category-I and Scheduled Caste (Women), respectively. The post of Post Graduate Hindi Teacher was created under Government Order dated

03.09.2016. In terms of the said Executive Order and in terms of the Notification dated 25.11.2017, calling applications for the post of Post Graduate Hindi Language Teachers, the qualifications prescribed for appointment is:

"must have passed M.A. in Hindi Language or Hindi Literature or equivalent qualification of M.A. from recognized University and must have passed B.Ed. in Hindi Language, Teaching Method from recognized University".

The respondents No. 1 and 2 participated in the competitive written examination conducted by petitioner. Respondent No.1 secured 173 marks and respondent No.2 secured 137 marks. According to respondents No. 1 and 2, they had scored more marks and they were more meritorious than respondents No. 5 and 6. Respondents No. 1 and 2 were called for document verification and on publication of Provisional Select List on 07.08.2020 and Final Select List on 16.09.2020, the names of respondents No. 1 and 2 were not found and the respondent Nos. 5 and 6 were selected and later appointed.

3. Aggrieved by non-selection of respondents No. 1 and 2, they approached the Tribunal in the above stated applications and the Tribunal under impugned order dated 08.02.2023, allowed their applications holding that respondents No. 1 and 2 possess equivalent B.Ed. qualification with a direction to consider their case for selection and appointment as Post Graduate Hindi Language Teachers. Aggrieved by the said order, the petitioner – KPSC i.e. respondent No.3 before the Tribunal is before this Court in this writ petition contending that the respondents No. 1 and 2 would not possess the requisite qualification, as such, they are not entitled for consideration of their cases for selection and appointment.

4. Heard Sri.Reuben Jacob, learned Senior Counsel along with Sri. Muhammad Shamil for petitioner–KPSC and learned counsel Sri.Raghavendra G Gaytri for respondents No.1 and 2, Sri. K R Rajendra, learned AGA for R3 and R4, Sri. B M Santosh, learned counsel for respondents No.5 and 6 and Smt.Anupama Hegde, learned CGC for

respondents No. 7 to 10. Perused the entire writ petition papers.

5. Learned AAG for petitioner – KPSC would submit that the Tribunal committed error in directing to consider respondents No. 1 and 2 for their selection and appointment to the post of Post Graduate Hindi Language Teachers without examining as to whether they would possess the prescribed qualification. Learned AAG would submit that Minority Model Residential Schools (Navodaya) under Directorate of Minorities, Government of Karnataka, is governed by Cadre and Recruitment Rules, called the Karnataka Minority Welfare Service (Cadre and Recruitment) Rules, 2010, which was notified under Notification dated 15.03.2011. It is specifically contented that the said Rules, 2010 would not contain the post of Post Graduate Hindi Language Teachers. It is stated that the post of Post Graduate Hindi Language Teachers was created under Executive Order dated 03.09.2016, in pursuance to the NCTE directions. Learned AAG would submit that the qualification prescribed for the post is M.A.

in Hindi Language or equivalent qualification and B.Ed. Degree from a recognized University in Teaching Method. Learned AAG specifically points out that insofar as possessing B.Ed. Degree in Teaching Method, equivalence is not prescribed, as such, when the respondents No. 1 and 2 would not possess B.Ed. Degree in Teaching Method and when they possess Siksha Snathak from Dakshina Bharath Hindi Prachar Sabha, Madras and Hindi Shikshan Parangath from Kendriya Hindi Samsthan, Agra, respectively, which is not declared as equivalent, they would not be entitled for consideration for appointment as Post Graduate Hindi Language Teachers. Learned AAG would submit that when the recruiting authority and recruiting agency have prescribed specific qualification of B.Ed. in Teaching Method and when equivalent qualification is not prescribed, the Tribunal could not have thrust upon the authorities to consider the so called equivalent qualification.

6. Learned AAG would further submit that the Government by Government Order dated 18.04.2017,

withdrew all equivalent Notifications which had declared certain of the Hindi courses conducted by various institutions as equivalent to B.Ed. Degree for the purpose of appointment in Public Instructions Department. Therefore, he submits that Government Order declaring equivalence was not in existence as on the date of Notification calling for applications. Further, learned AAG would submit that under Rule 2(h) of Karnataka Civil Service (General Recruitment) Rules, 1977, the Government has power to declare equivalence and in exercise of the said power, no equivalent Notification is issued insofar as declaring Siksha Snathak and Hindi Shikashan Parangath as equivalent to B.Ed. In that light of the matter, learned AAG would pray for allowing the writ petition and to set aside the impugned order passed by the Tribunal.

7. Per contra, learned counsel Sri. Raghavendra G Gayatri would contend that the respondents No. 1 and 2 would possess the qualification as prescribed under the Notification dated 25.11.2017 inviting applications to fill-

up various posts including that of Post Graduate Hindi Language Teachers. It is his submission that both respondents No. 1 and 2 possess the qualification of M.A. in Hindi from recognized University and further submits that respondent No.1 possesses the qualification of Sikshak Snathak from Dakshina Bharath Hindi Prachar Sabha, Madras and respondent No.2 possesses Hindi Shikshan Parangath from Kendriya Hindi Samsthan, Agra, which are declared as equivalent to B.Ed. in terms of Circular dated 21.09.1987 as well as Government order dated 16.08.2003.

8. Learned counsel Mr. Raghavendra Gayatri would submit that the Tribunal taking note of the equivalence order as well as equivalent qualification of B.Ed. prescribed for the post of Hindi Language Teacher, supported the order passed by the Tribunal. Learned counsel Sri. Raghavendra Gayatri would submit that for the post of Post Graduate Hindi Language Teachers, while prescribing the qualification of B.Ed. Teaching Method, equivalent qualification is not prescribed. Whereas, while

prescribing qualification for the post of Hindi Language Teachers, B.Ed. or equivalent qualification is prescribed, which according to him is discriminatory and unreasonable. Thus, he would pray for dismissal of the writ petition.

9. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the following points would arise for consideration:

a) "Whether the respondents No. 1 and 2 would possess the qualification prescribed for the post of Post Graduate Hindi Language Teachers in Minority Model Residential Schools (Navodaya), in the Directorate of Minorities?"

b) Whether the impugned order passed by the Tribunal requires interference?"

10. The answer to the above two points would be in the **Negative** and **Affirmative** respectively for the following reasons:

According to respondents No. 1 and 2, respondent No.1 possesses the qualification of M.A. in Hindi and

Siksha Snathak from Dakshina Bharath Hindi Prachar Sabha, Madras and respondent No.2 possesses M.A. in Hindi and Hindi Shikshan Parangath from Kendriya Hindi Samsthan, Agra. The qualifications prescribed for the post of Post Graduate Hindi Language Teachers in Minorities Model Residential Schools (Navodaya), in the Directorate of Minorities, Government of Karnataka, is as follows:

- (i) "Must have passed M.A. in Hindi Language or Hindi Literature or equivalent qualification from recognized University and;*
- (ii) Must have passed B.Ed. in Hindi Language as Teaching Method from recognized University."*

11. Admittedly, the post of Post Graduate Hindi Language Teachers in Minority Model Residential Schools (Navodaya) under Directorate of Minorities, Government of Karnataka, is created under Executive order dated 03.09.2016 and the qualification prescribed under the said Executive Order is as follows:

ಕ್ರ. ಸಂ.	ಹುದ್ದೆಯ ವಿವರ	ನೇಮಕಾತಿ ವಿಧಾನ	ವಿದ್ಯಾರ್ಹತೆ
5	ಸ್ನಾತಕೋತ್ತರ ಪದವೀಧರ ಹಿಂದಿ ಶಿಕ್ಷಕರು (17650-32000)	ನೇರನೇಮಕಾತಿ	1. ಅಂಗೀಕೃತ ವಿಶ್ವವಿದ್ಯಾಲಯದಿಂದ ಹಿಂದಿ ಭಾಷೆ ಅಥವಾ ಹಿಂದಿ ಭಾಷಾ ಸಾಹಿತ್ಯದಲ್ಲಿ ಸ್ನಾತಕೋತ್ತರ ಪದವಿ ಅಥವಾ ತತ್ಸಮಾನ ಸ್ನಾತಕೋತ್ತರ ಪದವಿಯನ್ನು ಪಡೆದಿರಬೇಕು. 2. ಅಂಗೀಕೃತ ವಿಶ್ವವಿದ್ಯಾಲಯದಿಂದ ಹಿಂದಿ ಭಾಷೆಯ ಟೀಚಿಂಗ್ ಮೇಥಡ್‌ನಲ್ಲಿ ಬಿ.ಎಡ್. ಪದವಿ ಹೊಂದಿರಬೇಕು.

12. Admittedly, respondents No. 1 and 2 would not possess B.Ed. Degree in Hindi Language Teaching Method, which is the prescribed qualification for the post of Post Graduate Hindi Language Teacher. The prescribed qualification would not recognize equivalent qualification. Moreover, the qualification possessed by respondents No. 1 and 2, i.e., Siksha Snathak from Dakshina Bharath Hindi Prachar Sabha, Madras and Hindi Shikshan Prangath from Kendriya Hindi Samsthan, Agra, respectively, are not declared as equivalent under Rule 2(h) of General Recruitment Rules. When the respondents No.1 and 2 would not possess the prescribed qualification and when the qualification possessed by them is not declared as equivalent qualification, the Tribunal committed grave error in directing the petitioner to consider their cases for

selection and appointment as Post Graduate Hindi Language Teachers.

13. The Hon'ble Apex Court in ***Shifana P.S. vs. State of Kerala, (2024) 8 SCC 309*** in the matter of judicial review insofar as declaring equivalence of prescribed qualification, at Paragraphs No.13 and 14, has held as follows:

"13. This Court in Zahoor Ahmad Rather v. Sk. Imtiyaz Ahmad [Zahoor Ahmad Rather v. Sk. Imtiyaz Ahmad, (2019) 2 SCC 404 : (2019) 1 SCC (L&S) 353] 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.

14. In Unnikrishnan CV v. Union of India [Unnikrishnan CV v. Union of India, (2023) 18 SCC 546 : 2023 SCC OnLine SC 343] , a three-Judge Bench of this Court, while relying upon the earlier

*judgment in Guru Nanak Dev University v. Sanjay Kumar Katwal [Guru Nanak Dev University v. Sanjay Kumar Katwal, (2009) 1 SCC 610 : 3 SCEC 452] 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.***

(emphasis supplied)

14. The Hon'ble Supreme Court in the case of **Bank of India vs. Arya K. Babu (2019) 8 SCC 587**, has held that, *prescription of equivalence is a technical matter and is the sole prerogative of the State.* Relevant paragraphs No. 7, 12 and 16 of the said judgment read as follows:

"7. Though extensive arguments were advanced the issue lies in a very narrow compass. The short question for consideration is as to whether the courts would be justified in undertaking the exercise of providing equivalence to another qualification so as to declare it to be equivalent to the qualification prescribed in the recruitment notification by taking note of the extraneous factors though such equivalence of qualification is not declared by the employer who makes the recruitment. The second aspect would be as to whether any particular educational qualification made eligible subsequent to

issue of recruitment notification can be considered retrospectively in respect of the recruitment process which has commenced prior to such an additional educational qualification being treated as eligible and the process of recruitment in respect of such notification is already concluded. In that background an examination of these aspects is necessary in the instant case.

12. *Though we have taken note of the said contention we are unable to accept the same. We are of such opinion in view of the well-established position that it is not for the Court to read into or assume and thereby include certain qualifications which have not been included in the notification by the employer. Further the rules as referred to by the learned counsel for the respondents is pointed out to be a rule for promotion of officers. That apart, even if the qualification prescribed in the advertisement was contrary to the qualification provided under the recruitment rules, it would have been open for the candidate concerned to challenge the notification alleging denial of opportunity. On the other hand, having taken note of the specific qualification prescribed in the notification it would not be open for a candidate to assume that the qualification possessed by such candidate is equivalent and thereby seek consideration for appointment nor will it even be open for the employer to change the*

requirements midstream during the ongoing selection process or accept any qualification other than the one notified since it would amount to denial of opportunity to those who possess the qualification but had not applied as it was not notified.

16. Further it is not for the Court to provide the equivalence relating to educational qualifications inasmuch as the said issue has been settled by the Constitution Bench of this Court in the decision relied upon by the learned counsel for the appellants in Mohd. Shujat Ali v. Union of India [Mohd. Shujat Ali v. Union of India, (1975) 3 SCC 76 : 1974 SCC (L&S) 454] wherein it is held 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 data and unaided by the technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government."

(emphasis supplied)

15. Prescription of qualification is a matter of policy and it is within the prerogative of the employer. Employer, depending on the needs would prescribe the qualification or qualifications. When the prescribed qualification would not recognize an equivalent qualification, it is not for the Courts or the Tribunals to thrust upon the selecting or appointing authority to consider a candidate who possesses a qualification, which according to the Court or Tribunal, is equivalent.

16. Learned counsel Sri. Raghavendra G Gayatri for respondents No. 1 and 2 submitted that the Notification calling for application need not contain words "equivalent qualification". It is further contended that, according to General Notification, if a candidate possesses an equivalent qualification, the case of such candidature shall be considered by the selecting or appointing authority. It is difficult to accept the submission of learned counsel for respondents No. 1 and 2 in that regard. Courts or Tribunals cannot rewrite the prescribed or notified qualification. Only candidates who possess the prescribed

or notified qualification are entitled to seek for consideration of their cases for selection and appointment.

17. Furthermore, the State had withdrawn all the Government Orders which had earlier declared some of the qualifications as equivalent by issuing a Government order dated 18.04.2017 which is placed on record along with memo dated 23.02.2026. The Tribunal had proceeded to grant relief to respondents No. 1 and 2 on the basis of Government Orders dated 16.08.2003 and 22.04.2004, which were withdrawn by Government Order dated 18.04.2017.

18. For the reasons recorded above, the points raised above are answered in favor of the petitioners. Accordingly, the following:

ORDER

- i) Writ Petition is ***allowed***.
- ii) The impugned order dated 08.02.2023 in Application Nos. 1270 & 1271/2021 passed by

the Tribunal is set aside and Application Nos.
1270 &1271/2021 are hereby dismissed.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

BSV
CT:bms