

**(2025) 12 UK CK 0053**

**Uttarakhand HC**

**Case No:** Writ Petition No. 131 Of 2025 (S/S)

Prakash Singh

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

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**Date of Decision:** Dec. 4, 2025

**Hon'ble Judges:** Ravindra Maithani, J

**Bench:** Single Bench

**Advocate:** Amar Murti Shukla, Mukesh Rawat, Chitra Joshi, K.N. Joshi, M.S. Bisht, Pankaj Miglani, B.M. Pingal

**Final Decision:** Partly Allowed

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### **Judgement**

Ravindra Maithani, J

1. The challenge in this petition is made to selection result dated 08.01.2025, notified by the respondent no. 4/the Uttarakhand Public Service Commission, Haridwar ("the Commission") of Draughtsman Examination, 2023.

2. It is the case of the petitioner that pursuant to an advertisement dated 29.05.2023 and its corrigendum, issued by the Commission, inviting the applications for appointment to the post of Draughtsman in six departments, the petitioner applied for the post. Written examination was conducted on 05.11.2023. Thereafter, in a list of candidates, issued by the Commission for document verification on 21.12.2023, the petitioner's name was included in it. But, when final selection result was declared on 08.01.2025, the petitioner's name was not included in the list, though he has secured more marks than the last cut off shown in the document verification list dated 21.12.2023. Hence, he has challenged the selection list.

3. Before we may proceed further, it would be apt to reproduce the essential qualification of Draughtsman in six departments with regard to which the Commission has issued notification. They are as under:-

Sl. No.	Department	Essential Qualifications as per Advertisement
1.	Forest Department (Cartographer)	A candidate for direct recruitment to a post in the service must possess a certificate of Draughtsmanship or a Diploma in Civil Engineering from a recognized University or Institution.
2.	Minor Irrigation Department (Draughtsman)	<p>High School Examination from U.P./Uttarakhand Board of Secondary Education or any other equivalent examination recognized by the government.</p> <p>Cartography Certificate from U.P./Uttarakhand State Council for Technical Education <b>or any other government-recognized equivalent certificate.</b></p> <p>Equivalent Qualification (Government/Department): The department has agreed to recruit for the Draughtsman post under the Minor Irrigation Department as per the service rules applicable to other engineering departments.</p>

3.	Public Works Department (Cartographer)	<p>(a) Must have passed the High School Examination conducted by the Uttarakhand Board of Secondary Education or any other equivalent examination recognized by the government.</p> <p>(b) Certificate of passing any of the following examinations or courses:</p> <ol style="list-style-type: none"> <li>1. Diploma in Draughtsman from a Polytechnic Institute recognized by the Uttarakhand Board of Technical Education <b>or an equivalent diploma</b> from any other recognized institute in Uttarakhand or any other State.</li> <li>2. Diploma in Draughtsmanship from an Industrial Training Institute (ITI) recognized by the Directorate of Training &amp; Employment, Uttarakhand, or an equivalent diploma from any other recognized institute in Uttarakhand or any other State.</li> <li>3. Diploma in Draughtsmanship or an equivalent degree awarded by a University established by the law in India.</li> </ol>
4.	Urban Development	<ol style="list-style-type: none"> <li>1. Intermediate (10+2) from a board/institution recognized by the Central or State Government.</li> <li>2. Diploma/ITI Certificate in the <b>Concerned Trade</b> from an institution recognized by the Central or State Government.</li> </ol>

5.	Agriculture Department (Cartographer)	<p>a) High School Examination from the Uttarakhand Board of Secondary Education or any other equivalent examination recognized by the government. b) One of the following qualifications:</p> <ol style="list-style-type: none"> <li>1. Certificate in Cartography from Roorkee University.</li> <li>2. Certificate in Cartography issued by the Uttarakhand State Council for Technical Education.</li> <li>3. Three-year Cartography Certificate from Banaras Hindu University.</li> <li>4. Three-year Diploma in Architectural Assistance from Government Art College, Lucknow.</li> <li>5. Three-year Diploma in Civil Engineering from Uttarakhand State Council for Technical Education.</li> <li>6. Diploma in Civil Engineering from any government-recognized.</li> <li>7. Cartography Certificate issued by the National Council for Vocational Training (NCVT), Ministry of Labour &amp; Employment, Government of India.</li> <li>8. Two-and-a-half-year Cartography Certificate from Aligarh Muslim University.</li> </ol>
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6.	Culture Department (Cartographer)	<p>1. Must have passed the High School Examination from the Uttarakhand Board of Secondary Education or any other equivalent examination recognized by the government.</p> <p>2. Certificate or Diploma or any degree in Civil Engineering or Draughtsman (Civil) or Architectural Assistantship from any institution recognized by the government.</p>
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4. Separate counter affidavits have been filed by the State, the respondent no. 2 Minor Irrigation Department, the respondent no.3 Urban Development Department and the respondent no. 4/the Commission.

5. The Commission, in its counter affidavit, has stated that during the scrutiny of the documents of the candidates, it was revealed that in respect of the post advertised by the Urban Development Department, Minor Irrigation Department and Public Works Department, clarification was required regarding prescribed educational qualification because these departments prescribe the educational qualification and with regard to the Urban Development Department, it requires Diploma/ITI certificate in relevant trade, but relevant trade was not defined. Similarly, for the post of Draughtsman in Minor Irrigation and Public Works Department, equivalent qualification requires clarification. Therefore, on 05.01.2024, a clarification was sought by the Commission. All these departments gave their reply and stated that the candidates holding Diploma in Civil Engineering or Diploma/Certificate in Draughtsman (Cartography) and certificate or diploma certificate in Architectural Assistant are also eligible for the positions. Accordingly, based on the clarification and information received from these Departments, a combined list was prepared, including the candidates holding diploma in Civil Engineering and those holding certificate in Draughtsman. The initial select list was prepared on 08.01.2025, in which the petitioner failed to be selected due to lower merit. According to the Commission, the entire selection process was completed in totally fair and transparent manner. Similar are assertions of the respondent nos. 2 and 3 in the counter affidavit.

6. Counter affidavit that has been filed by the Urban Development Department records that during the continuance of recruitment process for Draughtsman, the Commission vide letter dated 05.01.2024 sought clarification of essential qualification from the Director, Urban Development

Directorate, Dehradun on the following points:-

(i) Whether the trade concerned means Diploma in Civil Engineering or Diploma/Certificate in Draftsman?

(ii) Whether for the said post the applicants holding diploma/certificate in architectural assistant will also be eligible?

(iii) Will candidates holding diploma/certificate in any trade other than the above also be eligible?

7. According to the respondent no. 3, those queries were replied in a meeting held in the Chairmanship of the Principal Secretary, Urban Development Department on 02.04.2024, in the presence of the Joint Secretary of Urban Development, Joint Secretary of Personnel and the Additional Director of the Urban Development. In the meeting, a decision has been taken to inform the respondent Commission that for the post of Draughtsman, Diploma/ITI certificate in concerned trade means "Diploma in Civil Engineering or Diploma/Certificate in Draughtsman (*Manchitrakar*) or Diploma/Certificate in Architectural Assistant". The communication made by the Commission on 05.01.2024 to all these three departments, namely, Urban Development Department, Minor Irrigation Department and Public Works Department have been enclosed along with the counter affidavit that has been filed by the Commission. The Commission has also enclosed the response that has been received from all these three departments.

8. During the hearing of the petition, on 18.02.2025, after hearing the parties, the Court required the Commission to explain as to how it wrote a letter to the Government seeking clarification on the eligibility and prepare a fresh merit list by changing the cut-off marks by ousting candidates *enbloc* having certificate/diploma in Draughtsman once the selection is over? Pursuant to it, an affidavit was filed by the Commission, in para 6 of it, it reads as follows:-

".....the Urban Development Department specifies Diploma / ITI Certificate in the relevant trade as a mandatory qualification. Similarly, the Minor Irrigation Department also requires a qualification equivalent to the mandatory diploma. The Public Works Department mentions an equivalent diploma as the required qualification. During document verification, it was observed that most of the candidates who had cleared the cut-off in the document verification list held Diplomas in Civil Engineering have marked their preferences in all the departments. It was hence, to determine equivalent educational qualifications for the Urban Development Department, Minor Irrigation Department and Public Works Department, a letter was sent to these departments on January 5, 2024, by the Commission. The letter inquired whether candidates holding a Diploma in Civil Engineering, Draughtsmanship (Cartography), or Architectural Assistantship (similar to other departments) could be considered eligible for these positions."

9. Further, in this affidavit, in para 11, the Commission writes that, **"as the number of candidates in the documents verification list is higher than the number of vacancies, the cut off of final selection result is always different from the cut-off pertaining to documents verification list.....Thus, it is clear from the above that before issuing the final selection result, the Commission**

**communicated with the government/department regarding all equivalent qualifications, and based on the information provided by the government/department the selection process was conducted in accordance with the rules.”**

10. Heard learned counsel for the parties and perused the file.

11. In public examination, when recruitment is done under the service rules, the essential qualification as given in the rules has to be respected. Neither the recruiting body nor the Court may add or subtract any qualification that is given in the advertisement in accordance with the service rules. The concepts of higher education or equivalent qualification are related issue to it. But, the question is if only “THE qualification” is prescribed for recruitment on a post, can equivalent qualification or higher qualification may be considered for eligibility in such cases?

12. In the case of Zahoor Ahmad Rather and others v. Sheikh Imtiyaz Ahmad and others, (2019) 2 SCC 404, the recruitment was done to the post of Technician-III and the qualification was “Matric with ITI in relevant Trade”. Accordingly, it was advertised. The recruitment was being done by the Jammu & Kashmir State Service Selection Board (“SSSB”). In view of some non-clarity on the qualification, on 31.01.2015, the SSSB held a meeting. The agenda and its resolution are given in paras 6 & 7 of the judgment in the case of Zahoor Ahmad (*supra*), as follows:-

“6. On 31-1-2015, the SSSB held its 116th meeting at which, among the subjects on the agenda, was the following:

“Agenda No. 11. During the course of scrutiny of documents in the process of framing the selection lists for the post of Technician III (Power Development Department), it has been observed that the Convener of the Interview Committee (in some districts) has conducted the interview of candidates having Diploma in Electrical Engineering provisionally while as in some other districts, the candidates having Diploma in Electronics and Communication Engineering, Electrical Engineering, BE (Electrical) have been declared as not eligible for the post in question. Furthermore, the candidates having ITI trade in general Electronic Mechanic, Welder (Gas & Electric), Instrument Mechanic, Welder (Gas & Arc), Information Technology and Electronic Systems Maintt. have also been interviewed for the post in question.”

7. The Minutes of the Meeting record that the following decision was arrived at by the Board:

“After threadbare discussion, it was decided that only ITI in relevant trade viz. Electrician has to be considered as prescribed in the advertisement notification.”

13. The above agenda and resolution makes it clear that against the educational qualification of ITI in relevant trade, Diploma in Electrical Engineering, Diploma in Electronics and Communication Engineering, Electrical Engineering, BE (Electrical) were also considered in some districts and in some districts, the candidates having ITI trade in general Electronic Mechanic, Welder (Gas & Electric), etc. were also interviewed. But, the SSSB resolved that only ITI in relevant trade, viz., electrician has to be considered. ‘Relevant’ was referred to the position to which the recruitment was to be held, which was electrician. Accordingly, selections were made,

which were challenged. The learned Single Judge made an interference holding that **“a candidate possessing a Diploma-Electrical is entitled to appointment to the post of Junior Engineer which ranks higher than the post of Technician III. Hence, in this line of reasoning, if the appellants were eligible to hold a higher post, their qualification was adequate for the post of Technician III and a Diploma in Electrical Engineering presupposes the acquisition of the lower qualification of Matric with ITI”**. But, in the letters patent appeals, the judgment of the learned Single Judge was reversed by the Division Bench holding that the advertisement mandated an ITI in the relevant trade as a condition of eligibility and the SSSB had not granted any weightage to a higher qualification.

14. The Hon'ble Supreme Court upheld the decision of the Division Bench and observed that, in fact, the SSSB on 31.01.2015 rightly resolved to adhere to the qualification, which was prescribed in the advertisement. In para 20 and 21 of the judgment in the case of Zahoor Ahmad (*supra*), the Hon'ble Supreme Court observed as follows:-

**“20. Under the above provisions as well as in the advertisement which was issued by the Board, every candidate must possess the prescribed academic/professional/ technical qualification and must fulfil all other eligibility conditions. The prescribed qualifications for the post of Technician III in the Power Development Department is a Matric with ITI in the relevant trade. The Board at its 116th meeting took notice of the fact that in some districts, the interviews had been conducted for candidates with a Diploma in Electrical Engineering while in other districts candidates with a diploma had not been considered to be eligible for the post of Technician III. Moreover, candidates with an ITI in diverse trades had also been interviewed for the post. The Board resolved at its meeting that only an ITI in the relevant trade, namely, the Electrical trade is the prescribed qualification specified in the advertisement.**

**21. The learned Single Judge was persuaded to accept the submissions of the petitioners who had moved the writ petition primarily on two grounds. The first was that the Board had changed the rules in the midst of the selection process. In holding thus, the learned Single Judge was clearly in error. The Board did not bring about any change in the rules or the norms governing the selection midstream. There was no deviation from prescribed requirement for the post, of ITI with Matric. In fact the Board resolved to adhere to the qualification which was prescribed in the advertisement. An anomalous situation had arisen as a consequence of which, despite the prescribed qualifications, interviews of diploma-holders had been conducted in some districts. This was plainly in breach of the conditions of the advertisement and was rectified by the Board.** The second ground which weighed with the learned Single Judge was that the holder of a diploma is eligible for the higher post of Junior Engineer and hence a candidate who holds a diploma must be “presupposed” to hold the lower qualification of an ITI. This line of reasoning appears to be based on the judgment of a two-Judge Bench of this Court in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664]* Before advertent to the decision in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664]* , it would be necessary to advert to some of the decisions of this Court on the subject.”



15. The Hon'ble Supreme Court in the case of Zahoor Ahmad (*supra*), in para 26, further observed that **“the prescription of qualifications for a post is a matter of recruitment policy..... “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.”**

16. And, finally, the Hon'ble Supreme Court, in para 27, in the case of Zahoor Ahmad (*supra*) observed as follows:-

**“27.** While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664]* must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664]* turned.”

17. Learned counsel for the petitioner, at one stage, submitted that the Commission cannot seek clarification when the rules do not provide for it. Whereas, on behalf of the Commission it is argued that for three departments, namely, Urban Development Department, Minor Irrigation Department and Public Work departments, there were less clarity with regard to relevant trade and equivalence; therefore the Commission vide its letter dated 05.01.2024 sought clarification from these Departments.

18. On the question of eligibility and educational qualification, on 01.09.2025, this Court has observed that insofar as the Urban Development Department is concerned, the respondent Commission had no occasion to seek any clarification. In para 15 and 16 of this Court's order dated 01.09.2025, this Court observed as follows:-

**“15.** In the instant case, in so far as Urban Development Department is concerned, the education qualification is Intermediate (10+2) from a Board/Institution recognized by the Central or State Government and Diploma/ITI Certificate in the concerned Trade from an Institution recognized by the Central or State Government. This qualification is **“THE”** qualification for the post. No equivalent qualification has been given for this post.

16. It is being argued on behalf of the Commission that one of the essential qualifications for appointment of Draughtsman in the Urban Development Department is Diploma/ITI Certificate in the concerned Trade. Pressing upon the word 'concerned' it is argued that it was sought to be clarified by the Government that what does this word 'concerned' mean. This argument has less merits for acceptance. The essential qualification does not speak of any equivalence. The word 'concerned' is only related to the post on which recruitment is to be made and that post is of Draughtsman. At the cost of repetition, this Court reiterates that the word 'concerned' relates to 'Draughtsman' and to no other. As stated, there is no equivalence. Therefore, this Court is of the view that the respondent Commission has no occasion to seek any clarification in so far as essential qualification for recruitment of Draughtsman in the Urban Development Department is concerned."

19. But, in so far as the Minor Irrigation Department and Public Works Department are concerned, this Court constituted a committee observing as follows:-

"21. At this stage, this Court has two options: firstly, to decide the case ignoring the opinions given by the Minor Irrigation Department and the Public Works Department on the query posed by the Commission, as those responses are not, as such determination of equivalence. It is so because it is not based on relevant academic standards or practical attainments, etc. and secondly, on the question of equivalence of qualification in respect of the Minor Irrigation Department and the Public Works Department, an opinion may be sought from the experts. This Court is of the view that the later option has to be taken recourse to.

22. The State Authorities, who are the employer should be required to submit a report of equivalency on education qualification, pursuant to the communication dated 05.01.2024, made by the Commission to the Chief Engineer/Head of the Department of the Minor Irrigation Department as well as communication of the same date made to the Chief Engineer/Head of the Department of the Public Works Department.

23. In so far as the recruitment of the Draughtsman in the Urban Development Department is concerned, the Commission had no occasion to seek any clarification. The eligibility qualification is "THE" qualification. It has no doubt in it. Therefore, with regard to the Urban Development Department, no clarification is to be sought. But, for recruitment of Draughtsman in the Minor Irrigation Department and the Public Works Department, pursuant to the communication dated 05.01.2024 of the Commission, which are part of the Annexure No.2 to the affidavit of query, an expert body is to be constituted and its report has to be considered by the Court with the comments of concerned Department and the Commission on it. Therefore, this Court constitutes the following Committee of Experts for examining the matter:-

- 1) Chief Engineer/Head of the Department, Minor Irrigation Department, Uttarakhand.
- 2) Chief Engineer/Head of the Department, Public Works Department, Uttarakhand.
- 3) Head of the Department of Civil Engineering, IIT Roorkee, Roorkee, District Haridwar.

4) One Expert of Uttarakhand Technical Education Council Roorkee, District Haridwar, as may be nominated by its Secretary.

5) An official of the Commission, as may be nominated by its Secretary, who shall convene the meeting of this expert body.

24. The Court requests the above expert body to deliberate on the communication dated 05.01.2024, issued by the Commission to the Chief Engineer/Head of the Department, Minor Irrigation Department and the Chief Engineer/Head of the Department, Public Works Department, which are parts of the Annexure No.2 to the affidavit of query and submit their report, based on proper assessment and evaluation of the relevant academic standards and practical attainments of such qualification. This report shall be submitted to the Commission. On this report, the Commission shall place its comments and submit to this Court.”

20. The committee has submitted its report. According to it, the Diploma/Certificate in Draughtsman, Diploma/Certificate in Architectural Assistant and Diploma in Civil Engineering are all equivalent for appointment in the Public Works Department and in the Minor Irrigation Department.

21. It may be noted that insofar as the Urban Development Department is concerned, this Court on 01.09.2025 held that the essential qualification for appointment of Draughtsman in the Urban Development Department is Diploma/ITI Certificate in the concerned trade and the word “concerned” relates to Draughtsman and to no other. There is no equivalence. Therefore, pursuant to the order dated 01.09.2025, the report, which has been submitted by the expert Committee cannot reopen the issue of educational qualification with regard to Urban Development Department. That issue has attained finality on 01.09.2025.

22. Learned counsel for the respondent Commission has still argued that since the syllabus of Diploma in Civil Engineering and Diploma/Certificate in Architectural Assistant has been studied by the expert committee and expert committee found that their syllabus is relevant for Draughtsman, these are also concerned trade.

23. On the other hand, learned counsel for the petitioner submits that insofar as the Urban Development Department is concerned, the essential qualification, which has been prescribed in the advertisement is “The Qualification”; it does not require any clarification and the issue has already been settled by this Court on 01.09.2025.

24. This Court need not detain on the issue of essential qualification insofar as the Urban Development Department is concerned, because this has already been interpreted and decided by this Court on 01.09.2025 that insofar as the Urban Development Department is concerned, the word “concerned trade” relates to Draughtsman and to no other. Therefore, the expert committee’s report cannot give an occasion to reopen that finding.

25. Insofar as the Minor Irrigation Department and the Public Works Department are concerned, the issue has now settled. The expert committee’s report, in fact, confirms the communication

given by the Minor Irrigation Department and the Public Works Department pursuant to the communication dated 05.01.2024 of the Commission with regard to equivalence. For Minor Irrigation Department and Public Works Department, the candidates having any of the following qualifications shall also be eligible for considering their appointment:-

(i) Diploma in Civil Engineering

(ii) Diploma/Certificate in Draughtsman

(iii) Diploma/Certificate in Architectural Assistant

26. Admittedly, the Commission has prepared the select list dated 08.01.2025 while considering the candidates having Diploma in Civil Engineering and/or Diploma/ Certificate in Architectural Assistant also for the post of Draughtsman in the Urban Development Department. But, it could not have been done by the Commission. Insofar as the Urban Development Department is concerned, only such candidates are eligible for being considered to the post of Draughtsman, who have done their Diploma/ITI certificate in Draughtsman trade only.

27. In view of the discussions made above, the writ petition is partly allowed.

28. The select list dated 08.01.2025 issued by the respondent Commission is to be revised so as to ensure that in the Urban Development Department, only those candidates are eligible for appointment to the post of Draughtsman, who have done their Diploma/ITI Certificate in Draughtsman trade only.

29. The select list dated 08.01.2025 issued by the respondent Commission is quashed to the extent it includes candidates holding Diploma/certificate other than Diploma/ITI certificate in Draughtsman in Urban Development Department.

30. The respondent Commission is directed to issue a revised select list for appointment to the post of Draughtsman in pursuance of the advertisement dated 29.05.2023 and its corrigendum issued by the Commission, in the light of the observations made above within a month.