



2025:DHC:1235-DB



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

***Reserved on: 28.01.2025***  
***Pronounced on: 27.02.2025***

+ **W.P.(C) 11983/2024**

**ANKIT KUMAR TIWARI**

.....Petitioner

Through: **Ms.Aadya Mishra, Mr.Chetan  
Garg & Mr.Harsh Jaiswal,  
Adv.**

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: **Ms.Arunima Dwivedi, CGSC  
with Ms.Pinky Pawan,  
Ms.Kritika Sharma, Adv. and  
Mr.Aakash Pathak, GP  
Major Anish Muralidhar, Army.**

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

## **J U D G M E N T**

**NAVIN CHAWLA, J.**

1. This petition has been filed by the petitioner, challenging the Letter dated 16.08.2024 issued by the respondents, whereby the candidature of the petitioner for the SSC(T)-63 (Oct 2024) Course (herein-after referred to as the 'Subject Course') has been cancelled, by observing as under:

*"2. You have selected 'M.Sc Computer Science' stream in your online application. However, during scrutiny of your educational documents, it is found that you have studied*



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*Engineering Degree in 'Master of Science in Data Science' which is not enlisted in Para-3 of SSC(T)-63 (Oct 2024) course notification.*

*3. In view of the above, as per Para 3 and Note 1 under Para 15 of SSC(T)-63 (Oct 2024) course notification, your candidature for SSC(T)-63 (Oct 2024) course is hereby cancelled due to non-fulfilment of eligibility educational (stream) criteria as per Para 3 of course notification and for submission of incorrect information in online application.”*

2. The learned counsel for the petitioner submits that the petitioner had applied for the course under the Computer Science Engineering Stream. She submits that the petitioner secured an All India Rank of 18 in the merit list for the said course that was published on 24.11.2023. She submits that the candidature of the petitioner, however, has been rejected on the abovementioned ground, which is arbitrary. She submits that the degree of M.Sc. in Data Science is equivalent to the degree of M.sc. Computer Science and therefore, there was no error or mis-statement in the application form filled by the petitioner.
3. She submits that *vide* a letter dated 05.12.2023, in relation to the TGC-138 (Jan 2024) Course, the petitioner had earlier been called by the respondents to produce an Equivalence Certificate from the Registrar/Vice Chancellor of the College/University in the format attached thereto. The petitioner submitted the Equivalence Certificate from the NSHM College of Management & Technology, Kolkata, from where the petitioner had obtained his M.Sc. Data Science degree, certifying that the subject taught



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in his post graduate degree are in complete equivalence with M.Sc. Computer Science. She submits that the respondents, however, did not consider the said Equivalence Certificate before rejecting the candidature of the petitioner in the present selection process.

4. She further submits that in the Advertisement/Notification for the SSC(T)-63 (Oct 2024) Course, the eligibility requirement for the Educational Qualification is that of the candidate having passed the requisite Engineering Degree course, which includes Computer Science. In the equivalence table, 'Data Science Programme' is mentioned as an equivalent stream, therefore, the petitioner was eligible for the course.
5. She further submits that even in the 'Public Notice on Equivalence of Degrees' issued by the University Grants Commission on 19.7.2016, it has been mentioned that the equivalence of degree is to be determined by the University concerned, and in cases of employment, promotion, etc., by the employing organization.
6. She places reliance on the Addendum Notification of the All India Council for Technical Education (AICTE) dated 06.10.2021, whereby AICTE has clarified the equivalence Notification dated 28.04.2017 published by it, to state that the government organizations in taking decision for recruitment of candidates for various posts should take into consideration the list of major disciplines of Engineering and Technology and their







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Engineering Degree, or for the candidate to be in the final year of the Engineering Degree course. Clause 3 of the said Notification/Advertisement further warned the candidates that the candidates must possess the degree only in the Engineering streams and their acceptable equivalent streams, strictly as notified in the table given in the Notification/Advertisement itself. It was also stated that any variation between the nomenclature of the Engineering Stream as given on the degree parchment/marksheet and that submitted by the candidate, would result in the cancellation of the candidature.

13. The said table, as far as the Core Engineering Stream of 'Computer Science' is concerned, also mentions 'Data Science Programme' as an Equivalent Stream in Clause (xxvi) thereof and M.Sc. Computer Sciences in Clause (xxxi) thereof. The relevant conditions of the abovementioned Notification/Advertisement are reproduced hereinunder:-

**"2. Eligibility.**

xxxxx

**(c) Educational Qualification for Applying.**

*Candidates who have passed the requisite Engineering Degree course or are in the final year of Engineering Degree course are eligible to apply.....*

xxxxx

**3. Vacancies.**

*Candidates must note that only the Engineering streams and their acceptable equivalent streams, strictly as notified in the table below, will be accepted.*

*Candidates with degrees in any other Engineering stream(s) are not eligible to*



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apply. Any variation between the nomenclature of Engineering stream as given on the degree parchment / marksheet and that submitted by the candidate in his/her online application will result in cancellation of candidature.

(a) For SSC(Tech)-63 Men.

S N.	Core Engg Stream	Engg Streams (Listed in AI)	Equivalent Stream (AICTE Appd)	Vacs Release for SSC(T)-63 (Men) course
(ii)	Computer Science	(a) Computer Sc & Engg (b) Computer Technology (c) M.Sc Computer Sc (d) Information Technology	xxxxxxx (xxvi) Data Science Programme  Xxxxxxx  (xxxi) M.Sc. Computer Science	60

14. Note 1 to the Notification/Advertisement further warned the candidates that any false information detected in the certificate/online application will result in cancellation of the candidature at any stage of selection and even thereafter. It is reproduced hereinunder:

**“Note 1.** Any ambiguity/ false information/ concealment of information detected in the certificates/ documents/ online application will result in cancellation of the candidature at any stage of selection and thereafter.”

15. From the above extracts of the Notification/Advertisement, it would be evident that it defined the degree of Core Engineering Stream and its named equivalents that a candidate must possess.





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17. The Addendum Notification dated 06.10.2021 clarifies that the government organisations, in taking decision for recruitment of candidates for various posts, should take into consideration the list of major disciplines of Engineering and Technology and their relevant/appropriate branches with nomenclature of UG and PG Degrees as notified, while deciding the Core branch and Allied branches. It further states that the cases of candidates pertaining to the branches other than those pointed out in the Notification dated 28.04.2017, may be dealt with by recruiting organisations by convening a meeting of the committee of experts to decide the suitability based on the merit of each case and the job requirement of the concerned organisation.
18. Similarly, the UGC by its Public Notice on 'Equivalence of Degrees' dated 19.07.2016, has stated that the equivalence of degrees, diplomas, certificates, etc., are not determined by it and should be decided by the University concerned, and in case of employment, promotion, etc., by the employing organisation.
19. The Supreme Court, in *Shifana P.S.* (supra), has also held that equivalence of a qualification is not a matter that can be determined in exercise of power of judicial review and should be left to the State, as the recruiting authority to determine.
20. In the present case, the Notification/Advertisement for the Subject Course for the Core Engineering stream of Computer Science, mentioned the equivalent streams as including Data Science Programme and M.Sc. Computer Science. The



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petitioner, admittedly does not have a degree of M.Sc. Computer Science, however, submits that his degree in M.Sc. Data Science should be treated as an equivalent of M.Sc. Computer Science.

21. As noted hereinabove, this is not the function of this Court as the Court does not have the expertise to make this determination. The respondents have set out the degrees that it shall consider equivalent to the Core Engineering stream, and have further warned the candidates that any variation between the nomenclature of Engineering stream as given on the degree parchment/marksheet and that submitted by the candidate in his/her online application will result in cancellation of candidature. In spite of such warning, the petitioner chose to fill his degree as M.Sc. Computer Science and not M.Sc. Data Science, which he actually possesses. It is not for this Court to determine the reason for the same nor can it rule equivalence of the same. By filing up his degree as M.Sc. Computer Science instead of M.Sc. Data Science, which the petitioner actually possesses, the petitioner has attracted the wrath of Note 1 of the Notification/Advertisement. The decision of the respondent to reject the application of the petitioner for mis-statement, therefore, cannot be faulted.
22. We may also herein note that in Clause (xxvi) of the Notification/Advertisement, the name of the Degree is 'Data Science Programme'. Whether the same is equivalent to M.Sc. in Data Science will be another question of equivalence, which in

