



2026:DHC:4620-DB



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

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*Judgment reserved on: 19.03.2026*  
*Judgment pronounced on: 23.05.2026*  
*Judgment uploaded on: 23.05.2026*

+ W.P.(C) 10121/2021

K.S.SHIVARAMU

.....Petitioner

Through: Ms. Eshna Kumar and Mr. M.  
Poudiuwibou, Advocates.

versus

GOVT. OF NCTD & ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat Standing  
Counsel Services with Mr.  
Nitesh Kumar Singh, Ms. Aliza  
Alam, Mr. Mohnish Sehrawat,  
Advocates.

Mr. B.S.Rawat, CI DTTE.

Ms. Pearl Sharma, Advocate for  
R-4.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

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

**ANIL KSHETARPAL, J.:**

#### **INTRODUCTION**

1. The Petitioner, by way of the present Petition filed under Article 226 of the Constitution of India, seeks the issuance of a Writ of Certiorari to quash the final order dated 03.04.2019 passed by the learned Central Administrative Tribunal (CAT), Principal Bench, New Delhi, in O.A. No. 1030/2015. By way of the impugned order, the learned Tribunal dismissed the Petitioner's claim for the preponement



2026:DHC:4620-DB



of his senior time scale under the Career Advancement Scheme (CAS).

### **FACTUAL MATRIX**

2. The Petitioner graduated with a second-class degree in B.E. (Electrical and Electronics) from the University of Mysore in 1987. She was appointed as a Lecturer at K.V.G. Polytechnic, Sullia, Karnataka, on 04.10.1991.

3. The Petitioner served at K.V.G. Polytechnic until 16.04.2001, after which he joined the services of the Government of National Capital Territory of Delhi (GNCTD) at Aryabhata Polytechnic on 20.04.2001. While in service, the Petitioner furthered his academic qualifications by completing his Master of Technology (M.Tech) with a first-division degree from Jamia Millia Islamia in 2007.

4. On 20.04.2007, upon completing six years of regular service with the GNCTD, the Petitioner was granted the senior time scale. Subsequently, vide notification dated 08.09.2011, Respondent No. 2 (Directorate of Training and Technical Education) provided for preponement of the senior scale based on past service records. The Petitioner sought the benefit of this preponement by requesting that his continuous service at K.V.G. Polytechnic (1991–2001) be counted toward CAS, as stipulated in the AICTE notifications dated 20.09.1989 and 30.12.1999.

5. This claim was rejected by Respondent No. 2 vide order dated 12.12.2014, on the grounds that the Petitioner held only a second-class degree, whereas a first-class degree was purportedly a mandatory



prerequisite for CAS. The Petitioner challenged this rejection before the learned Tribunal, which, vide the impugned order dated 03.04.2019, upheld the Respondents' decision, leading to the present writ petition.

### **SUBMISSIONS ON BEHALF OF THE PETITIONER**

6. Learned Counsel for the Petitioner strenuously argued that the learned Tribunal failed to appreciate the relaxation contained in Clause 5.0(3) of the AICTE Notification dated 30.12.1999. She submitted that this clause explicitly provides that the qualifications applicable at the time of teacher's initial appointment shall govern their eligibility for CAS. Since the Petitioner was duly appointed in 1991 when a second-class degree was sufficient, he remains eligible for the scheme's benefits.

7. It was further contended that the learned Tribunal erroneously relied upon the general conditions of a later 2016 Notification to override the specific saving clause of the 1999 Notification. The Petitioner's counsel relied upon the judgment of the High Court of Gujarat in *Nandlal Gangarambhai Patel v. State of Gujarat & Others*<sup>1</sup> and a coordinate bench decision of the CAT in *S.C. Jain v. GNCT of Delhi & Others*, both of which recognized the principle of relaxation for teachers recruited prior to 01.01.1996.

### **SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

8. Conversely, learned counsel for the Respondents supported the impugned order, asserting that the maintenance of high academic standards in technical education necessitates strict adherence to

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<sup>1</sup>Nandlal Gangarambhai Patel v.State of Gujarat & Others C/SCA/2918/2015.



qualification norms. It was argued that the Career Advancement Scheme is a merit-based promotion path, and the requirement of a first-class degree is a reasonable restriction intended to ensure the quality of instruction in polytechnics.

9. The Respondents maintained that the Petitioner's past service could only be counted if he met the threshold eligibility criteria defined under the current regulatory framework. They argued that the 1999 Notification's provisions must be read in conjunction with the broader mandate of the AICTE to upgrade technical education, which justifies the insistence on a first-class degree for financial upgrades like the senior time scale.

### **ANALYSIS AND FINDINGS**

10. We have carefully considered the rival submissions and perused the record. Upon a comprehensive analysis, we find that the writ petition is devoid of merit. The Petitioner's claim for the preponement of CAS benefits based on previous service necessarily falls to be examined under Clause 9.2 of the AICTE Notification dated 30.12.1999, which is the operative regulatory instrument for the period in question. Clause 9.2 specifically governs the counting of "previous continuous service as a Lecturer or equivalent" rendered outside the present institution. The provision is categorical and sets out cumulative conditions, all of which must be satisfied conjunctively.

*"Relevantly, the two conditions directly applicable to the present case are:*

*Clause 9.2(b): "The qualifications for the posts were not lower than the qualification prescribed by AICTE for the post of Lecturer."*



*Clause 9.2(e): "The concerned Lecturer has possessed all the minimum qualifications prescribed by AICTE for appointment as Lecturers."*

11. The AICTE-prescribed minimum qualification for the post of Lecturer in a First-Class Bachelor's Degree *vide* notification dated 28.02.1989. It is undisputed that the Petitioner was appointed in 1991 with a Second Division degree. This qualification falls short of the minimum threshold prescribed under Clause 9.2. Any residual doubt about the applicability of this clause is put to rest by the AICTE's authoritative clarification issued *vide* Letter No. 13/10/AICTE/2013 dated 13.01.2016, published in the Gazette of India dated 04.01.2016. At Issue No. 44, the AICTE has expressly clarified:

*Issue No. 44: Whether there is any relaxation in respect of Para 9.2(b) of AICTE notification dated 30/12/1999 for counting of past service under CAS?*

*Clarification: (a) There is no relaxation provided in respect of Para 9.2(b) of AICTE notification dated 30/12/1999, for counting of past service under CAS. Para 9.2(b) shall be read as it is. (b) No relaxation is admissible.*

12. This clarification is not a new imposition but an authoritative interpretation by the rule-making body of its own earlier notification. It conclusively establishes that the threshold of minimum prescribed qualifications under Clause 9.2(b) admits of no exception. When the statutory authority has foreclosed any possibility of relaxation in unmistakable terms, no tribunal or court can supply one through judicial interpretation.

13. Furthermore, Issue No. 33 of the same 2016 clarification stipulates that past service is to be counted for CAS "subject to the endorsement of complete service record by the appropriate approving authority (i.e. University/State Department of Technical Education) in



accordance with GOI Rules." There is no material on record to suggest that such an endorsement was ever sought or obtained by the Petitioner with respect to his service at K.V.G. Polytechnic.

14. The Petitioner's reliance on Clause 5.0(3) of the 1999 Notification -which provides a relaxation to teachers in service prior to 1996is misplaced. To apply the general relaxation of Clause 5.0(3) to the specific requirements of Para 9.2(b) would directly contradict the AICTE's own clarification. Moreover, the Respondents have correctly submitted that this relaxation was provided solely to incumbents who joined the DTTE prior to 01.01.1996. The Petitioner, having joined in 2001 through fresh recruitment, falls outside this protective ambit.

15. The jurisprudential principle applicable here was elucidated by the Hon'ble Supreme Court in *State of Orissa & Anr. v. Mamata Mohanty (2011) 3 SCC 436*, wherein it was held that a teacher appointed without the requisite qualification cannot claim the benefit of a pay scale scheme unless the qualifying threshold is met. The Court observed that a deficiency in the minimum prescribed qualification is a bar that cannot be waived by the passage of time or administrative convenience.

16. Independently of the qualification hurdle, the Petitioner's entitlement is also contingent upon compliance with Clause 8.2 of the 1999 Notification, which requires participation in orientation and refresher courses of an aggregate duration of 8 weeks. It has been uncontroverted that the Petitioner did not comply with this mandatory requirement.



2026:DHC:4620-DB



17. Learned counsel representing the Petitioner contends that the qualification of the Petitioner were not lower than the qualification prescribed by AICTE for the post of Lecturer, hence, entitled to the benefit prayed for in the Writ Petition. However, as per the stand taken by AICTE, the requirement of first class degree was introduced while issuing 4th CPC notification issued by the Ministry of Human Resource Development (Now, Ministry of Education) *vide* letter dated 28.02.21989. In paragraph No.10 of the Affidavit filed by the AICTE there is a positive averment to this effect. Similarly, in paragraph No.6 of the Counter-Affidavit filed by the GNCTD, it is specifically asserted that the qualification for the post of Lecturer in a First class Bachelor Degree in the concerned branch of Engineering was the requirement as per the guidelines issued by the AICTE in 1989.

18. The Petitioner while filing the Rejoinder has failed to controvert these specific averments even during the course of arguments. Attention of the Court has not been drawn to any notification to rebut the specific averments made in the Counter-Affidavit not only by AICTE, but also by the GNCTD.

19. Consequently, there is no error in the view taken by the AICTE.

20. We find that the learned Tribunal was correct in relying upon its previous decisions involving the 1999 notification. The legal matrix is distinct from cases governed by the earlier 1989 notification. There is no error of law or perversity discernible on the face of the record.



2026:DHC:4620-DB



## **CONCLUSION**

21. For the aforementioned reasons, the present Petition is found to be without merit. The order of the learned Tribunal is a just and reasoned application of the governing law. The Petitioner cannot invoke the extraordinary writ jurisdiction of this Court to bypass the clear and unambiguous prescriptions of the AICTE regulatory framework.

22. The present Petition is, accordingly, dismissed and all the pending applications are closed.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**MAY 23, 2026**

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