



2026:DHC:8842-DB



\$~56

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

CNR No. DLHC010474142026

+ **W.P.(C) 14593/2026, CM APPLs. 68290/2026 & 68291/2026**

ADESH TYAGI

.....Petitioner

Through: **Dr. Subhash Vijayran, Adv.**

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: **Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Adv. for GNCTD
Mr. Ravinder Agarwal, Mr. Manish Kumar
Singh, Mr. Vasu Agarwal and Mr.
Emmanuel Benny, Advs. for UPSC**

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

%

05.10.2026

C. HARI SHANKAR, J.

1. This writ petition arises out of judgment dated 22 September 2026 passed by the Central Administrative Tribunal¹ in OA 3608/2026, preferred by the petitioner before the Tribunal. The prayer clause in the OA read as under:

“In view of the above premises, the applicant prays for the following relief(s):

(1) Declare and direct that the requirement of qualification of B.Ed. for direct recruitment to the posts of "Vice-Principal" and "Principal" under Respondent No.2, as

¹ “Tribunal” hereinafter



2026:DHC:8842-DB



advertised by UPSC (Respondent No.3) in the impugned Special Advertisement No. 51/2026 (Annexure: A-1), shall not apply to in-service Trained Graduate Teachers (TGT) and Post Graduate Teachers (PGT) of Computer Science (which includes the Applicant).

(2) Declare and direct that the requirement of qualification of B.Ed. for direct recruitment to the posts of "Vice-Principal" and "Principal/Deputy Education Officer" under Respondent No.2, as notified by: (1) Delhi Gazette Notification dated 9th October, 2018, published on 15th October, 2018 (Annexure: A-4); (2) Delhi Gazette Notification dated 30th January, 2023, published on 30th January, 2023 (Annexure: A-10): respectively; shall not apply to the in-service Trained Graduate Teachers (TGT) and Post Graduate Teachers (PGT) of Computer Science, (which includes the Applicant).

(3) Direct Respondents 1 and 2 to make the necessary amendments in Delhi Gazette Notifications (Annexures: A-4 and A-10) relaxing the requirement of B.Ed. for posts of "Vice-Principal" and "Principal /Deputy Education Officer" for teachers employed as TGT/PGT in Computer Science, under the schools of Govt. of NCT of Delhi.

(4) Pass any other or further order(s) as this Tribunal may deem fit and proper in the circumstances of the case, in the interest of justice and to meet the ends of justice."

2. Before the Tribunal, the petitioner placed reliance on an earlier decision of the Tribunal, rendered on 21 August 2026 in OA 3201/2026².

3. The respondent GNCTD contended, before the Tribunal, that the last date for the submission of the online application form for recruitment as Vice-Principal/Principal was 14 August 2026 and that the examination for the said recruitment was to be held on 1 November 2026. It was, therefore, submitted that no permission could



2026:DHC:8842-DB



be granted, at that stage, to the petitioner, to participate in the selection.

4. The Tribunal has, in para 6 of its judgment, accepted this contention of the GNCTD and has held that, as the last date for submission of online applications was 14 August 2026 and the examination itself was to be held on 1 November 2026, the petitioner could not be permitted provisionally to appear in the selection process.

5. Apropos the petitioner's submission that the specification of the qualification of B.Ed., as one of the essential qualifications for direct recruitment as Vice-Principal or Principal deserved to be set aside, the Tribunal without entering into the merits of the issue, directed the respondents to take a decision on the petitioner's representation.

6. It is against this order that the petitioner has approached this Court by means of this writ petition.

7. We have heard Dr. Subhash Vijayran, learned Counsel for the petitioner and Mrs. Avnish Ahlawat, learned Standing Counsel for the GNCTD.

8. Dr. Vijayran submits that relegating the petitioner to the respondents on the aspect of the validity of the stipulation of B. Ed.³ as an essential qualification would be a futile exercise, and we agree. He, therefore, requests this Court to take a view on the issue.



2026:DHC:8842-DB



9. Dr. Vijayran has drawn our attention to the Recruitment Rules⁴, dated 9 October 2018, which were under challenge before the Tribunal. The Schedule to the RRs stipulates the qualifications for direct recruitment to the post of Vice-Principal/Principal. An aspirant to the post of Vice-Principal by direct recruitment is required to possess

- (i) a Masters' Degree from a recognized University/Institute,
- (ii) B. Ed. from a recognized University, and
- (iii) 2 years' experience as PGT or 3 years' experience as TGT⁵.

Similarly, an aspirant to the post of Principal by direct recruitment is required to possess, as per the RRs,

- (i) a Masters' Degree from a recognized University/Institute,
- (ii) B. Ed. from a recognized University, and
- (iii) 10 years' experience of teaching (as Vice Principal/PGT/TGT) in a recognized High School/Higher Secondary School/Senior Secondary School/Intermediate College).

In each case, the prescribed qualifications were relaxable at the discretion of the Union Public Service Commission, for reasons to be recorded in writing.

10. The grievance of the petitioner is essentially with respect to the stipulation of B. Ed. as one of the essential educational qualifications for direct recruitment to the post of Vice-Principal or Principal, in so far as it applies to teachers teaching Computer Science. His contention

⁴ "RRs" hereinafter
⁵ Trained Graduate Teacher



2026:DHC:8842-DB



is that the applicable RRs do not require possession of a B. Ed. as one of the essential qualifications for a person who seeks to enter employment with the GNCTD as a Trained Graduate Teacher⁶ or Post Graduate Teacher⁷ in Computer Science. He further submits that, even in respect of promotion from PGT to Vice-Principal, there is no requirement of a B. Ed. degree, in support of which he has drawn our attention to the eligibility stipulations for persons seeking promotion to the grade of Vice-Principal, which read thus:

“Promotion:

Post Graduate teachers [excluding post graduate teachers (physical education)] in level-8 rs.47,600- 1,51,100/- in pay matrix with two years’ regular service in the grade.

Note: where juniors who have completed their qualifying /eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying / eligibility service, by more than half of such qualifying / eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service.”

Similar qualifications apply for promotion to the post of Principal.

11. Dr. Subhash Vijayran submits that the stipulation of B. Ed. as an essential qualification for direct recruitment to the post of Principal is unreasonable and illegal, as it excludes Computer Science teachers entirely from ever becoming Vice-Principal or Principal by direct recruitment. He points out that no B. Ed. qualification is required for being recruited as a TGT or PGT in Computer Science. There is,

⁶ “TGT” hereinafter

⁷ “PGT” hereinafter



2026:DHC:8842-DB



therefore, no justification in prescribing different qualifications for promotion and for direct recruitment to the post of Vice-Principal or Principal. This distinction, according to Dr. Subhash Vijayran, is invidious and offends Articles 14 and 16 of the Constitution of India.

12. Having heard Dr. Subhash Vijayran, we regret our inability to agree with this submission.

13. In actual fact, the distinction is not so much between teachers teaching Computer Science and others, for ascendancy to the post of Vice-Principal or Principal, as between aspirants to the post of Vice Principal, or Principal by direct recruitment vis-à-vis those who aspire for promotion thereto. TGTs and PGTs who seek promotion to the post of Vice-Principal or Principal are not required to possess a B. Ed. degree, whereas persons who seek direct recruitment as Vice-Principal or Principal are required to possess the said qualification. This applies across the Board, irrespective of the stream or subject which the TGT or PGT is teaching.

14. It is immediately apparent that there is no complete block on a PGT or TGT in Computer Science moving up to the post of Vice-Principal or Principal. It is only the avenue of direct recruitment which is not available. A TGT or a PGT in Computer Science may still be able to be promoted as Vice-Principal or Principal, as no requirement of B. Ed. is required for promotion.

15. At the highest, therefore, it is only that the *chance* of reaching the post of Vice-Principal or Principal in which Computer Science



2026:DHC:8842-DB



TGTs, or PGTs are positioned differently from other TGTs or PGTs. TGTs or PGTs teaching computer science can become Vice Principal or Principal only by promotion, whereas TGTs and PGTs teaching other subjects would also have the chance of becoming Principal or Vice-Principal by way of direct recruitment, provided, of course, that they have a B.Ed. degree to their credit.

16. Also, there is no embargo on a person who possesses a B. Ed. degree being recruited as TGT or PGT in Computer Science. It is not, therefore, that no Computer Science TGT or PGT holds a B. Ed. qualification. It is only that B. Ed. is not an essential qualification for such recruitment. If, therefore, a TGT or PGT in Computer Science is a holder of a B. Ed. degree, then she, or he, would be able to ascend to the post of Vice-Principal or Principal even by direct recruitment.

17. The reduction in chances of becoming Vice-Principal or Principal by direct recruitment, therefore, is unavailable only to PGTs or TGTs who are teaching Computer Science and those who are not in possession of a B. Ed. degree. Such persons would not be able to become Vice-Principal or Principal by direct recruitment but would be able to become a Vice-Principal or Principal by promotion.

18. Does such a distinction offend Articles 14 and 16 of the Constitution of India?

19. On the aspect of whether there can be a distinction between the educational qualifications prescribed for promotion to a higher post, *vis-à-vis* the educational qualifications prescribed for direct



recruitment, so as to create a distinction between the two categories of persons who are already holding the feeder post, the *locus classicus* is considered to be the judgment of the Supreme Court in ***State of Jammu and Kashmir v. Triloki Nath Khosa***⁸, from which we may reproduce the following paragraphs:

“8. The case of the respondents as disclosed in their petition was that under the Rules of 1939, Assistant Engineers were entitled to be promoted to the higher cadre on the basis of their merit and record and no distinction was made between degree-holders and diploma-holders for the purposes of such promotion. The discrimination made by the impugned rules between degree-holders and diploma-holders was arbitrary and capricious because academic or technical qualifications could be germane only at the time of recruitment. For purposes of promotion, efficiency and experience alone must count. Respondents further contended that once the Government appointed candidates with different academic or technical qualifications to the same cadre, having the same pay scale and similar duties, such candidates would form one class and they cannot be further classified for purposes of promotion on the basis of their educational qualifications. The impugned Rules, according to the respondents, brought about a reduction in rank, deprived them of equal opportunity in the matter of promotion and were violative of Articles 14 and 16 of the Constitution of India. Finally, the respondents contended by their petition that it was not competent to the Government to change the service conditions unilaterally to the disadvantage of its employees so as to deprive them of their vested right of promotion by giving retrospective effect to the Rules.

16. An argument which found favour with Mufti Bahauddin J., one of the learned judges of the Letters Patent Bench of the High Court, and which was repeated before us is that the “retrospective” application of the impugned Rules is violative of Articles 14 and 16 of the Constitution. It is difficult to appreciate this argument and impossible to accept it. It is wrong to characterise the operation of a service rule as retrospective for the reason that it applies to existing employees. A rule which classifies such employees for promotional purposes, undoubtedly operates on those who entered service before the framing of the Rule but it operates *in future*, in



2026:DHC:8842-DB



the sense that it governs the future right of promotion of those who are already in service. The impugned Rules do not recall a promotion already made or reduce a pay scale already granted. They provide for a classification by prescribing a qualitative standard, the measure of that standard being educational attainment. Whether a classification founded on such a consideration suffers from a discriminatory vice is another matter which we will presently consider but surely, the Rule cannot first be assumed to be retrospective and then be struck down for the reason that it violates the guarantee of equal opportunity by extending its arms over the past. If rules governing conditions of service cannot ever operate to the prejudice of those who are already in service, the age of superannuation should have remained immutable and schemes of compulsory retirement in public interest ought to have foundered on the rock of retroactivity. But such is not the implication of Service Rules nor is it their true description to say that because they affect existing employees they are retrospective. It is well settled that though employment under the Government like that under any other master may have a contractual origin, the Government servant acquires a “status” on appointment to his office. As a result, his rights and obligations are liable to be determined under statutory or constitutional authority which, for its exercise, requires no reciprocal consent. The Government can alter the terms and conditions of its employees unilaterally and though in modern times consensus in matters relating to public services is often attempted to be achieved, consent is not a pre-condition of the validity of rules of service, the contractual origin of the service notwithstanding.

20. Respondents have assailed the classification in the clearest terms but their challenge is purely doctrinaire. “Academic or technical qualification can be germane only at the time of initial recruitment; for purposes of promotion, efficiency and experience alone must count” — this is the content of their challenge. The challenge, at best, reflects the respondent's opinion on promotional opportunities in public services and one may assume that if the roles were reversed, respondents would be interested in implementing their point of view. But we cannot sit in appeal over the legislative judgment with a view to finding out whether on a comparative evaluation of rival theories touching the question of promotion, the theory advocated by the respondents is not to be preferred. *Classification is primarily for the legislature or for the statutory authority charged with the duty of framing the terms and conditions of service; and if, looked at from the standpoint of the authority making it, the classification is found to rest on a reasonable basis, it has to be upheld.*

Signature Not Verified

Digitally Signed By: AWP.(C) 14593/2026
KUMAR
Signing Date: 09.10.2026
12:27:52

Page 9 of 18



21. Our reason for saying this is to emphasize that *the respondents ought to have furnished particulars as to why, according to them, the classification between diploma-holders and degree-holders is not based on a rational consideration having nexus with the object sought to be achieved. In order to establish that the protection of the equal opportunity clause has been denied to them, it is not enough for the respondents to say that they have been treated differently from others, not even enough that a differential treatment has been accorded to them in comparison with others similarly circumstanced. Discrimination is the essence of classification and does violence to the constitutional guarantee of equality only if it rests on an unreasonable basis. It was therefore incumbent on the respondents to plead and show that the classification of Assistant Engineers into those who hold diplomas and those who hold degrees is unreasonable and bears no rational nexus with its purported object. Rather than do this, the respondents contented themselves by propounding an abstract theory that educational qualifications are germane at the stage of initial recruitment only. Omission to furnish the necessary particulars was construed by this Court in two cases as indicating that the plea of unlawful discrimination had no basis. [(a) **Katra Educational Society v. State of U. P.**⁹, (b) **Probhudas Morarjee Rajkotia v. Union of India**¹⁰. Such an infirmity in pleadings led this Court in **State of Madhya Pradesh v. Bhopal Sugar Industries Ltd**¹¹ to remand the matter to the High Court in order to enable the petitioner therein to amend its petition.*

28. But then Mr Setalvad contends that if the nature of duties and responsibilities of the post of Executive Engineer has undergone no significant change, there would be no justification for restricting the field of choice to graduates. Talent and efficiency could be found in the ranks of diploma-holders in an equal measure and it is urged that rather than display a mere fancy for graduates and restrict its choice, the State should have, in the interest of an efficient service, laid the promotional chances open to both the ranks on the basis of talent, experience and efficiency.

30. Since the constitutional code of equality and equal opportunity is a charter for equals, equality of opportunity in matters of promotion means an equal promotional opportunity for persons who fall, substantially, within the same class. A

⁹ AIR 1966 SC 1307

¹⁰ AIR 1966 SC 1044

¹¹ AIR 1964 SC 1179



classification of employees can therefore be made for first identifying and then distinguishing members of one class from those of another.

31. Classification, however, is fraught with the danger that it may produce artificial inequalities and therefore, the right to classify is hedged in with salient restraints; or else, the guarantee of equality will be submerged in class legislation masquerading as laws meant to govern well marked classes characterized by different and distinct attainments. Classification, therefore, must be truly founded on substantial differences which distinguish persons grouped together from those left out of the group and such differential attributes must bear a just and rational relation to the object sought to be achieved.

32. *Judicial scrutiny can therefore extend only to the consideration whether the classification rests on a reasonable basis and whether it bears nexus with the object in view. It cannot extend to embarking upon a nice or mathematical evaluation of the basis of classification, for were such an inquiry permissible it would be open to the Courts to substitute their own judgment for that of the legislature or the Rule-making authority on the need to classify or the desirability of achieving a particular object.*

33. Judged from this point of view, it seems to us impossible to accept the respondents' submission that the classification of Assistant Engineers into degree-holders and diploma-holders rests on any unreal or unreasonable basis. The classification, according to the appellants, was made with a view to achieving administrative efficiency in the Engineering services. If this be the object, the classification is clearly co-related to it, for *higher educational qualifications are at least presumptive evidence of a higher mental equipment*. This is not to suggest that administrative efficiency can be achieved only through the medium of those possessing comparatively higher educational qualifications but that is beside the point. *What is relevant is that the object to be achieved here is not a mere pretence for an indiscriminate imposition of inequalities and the classification cannot be characterized as arbitrary or absurd. That is the farthest that judicial scrutiny can extend.*

35. *Educational qualifications have been recognized by this Court as a safe criterion for determining the validity of classification. In **State of Mysore v. P. Narasing Rao**¹², where the*



cadre of Tracers was reorganized into two, one consisting of matriculate Tracers with a higher scale of pay and the other of non-matriculates in a lower scale, it was held that Articles 14 and 16 do not exclude the laying down of selective tests nor do they preclude the Government from laying down qualifications for the post in question. Therefore, it was open to the Government to give preference to candidates having higher educational qualifications. In *Ganga Ram v. Union of India*¹³, it was observed that “The State which encounters diverse problems arising from a variety of circumstances is entitled to lay down conditions of efficiency and other qualifications for securing the best service for being eligible for promotion in its different departments.” In *Union of India v. Dr (Mrs.) S.B. Kohli*¹⁴ a Central Health Service Rule requiring that a professor in Orthopaedics must have a post-graduate degree in the particular speciality was upheld on the ground that the classification made on the basis of, such a requirement was not “without reference to the objectives sought to be achieved and there can be no question of discrimination”. The argument that a degree qualification was not the only criterion of suitability was answered laconically as “strange”.

49. In *Mervyn Coutinho v. Collector of Customs, Bombay*¹⁵, no question arose in regard to the validity of a classification based on educational qualifications. The question there was whether a rotational system for fixing seniority was discriminatory if the recruitment was partly by promotion and partly directly. It was held that there is no inherent vice in such a system if the service is composed in fixed proportion of direct recruits and promotees. The rotational system could therefore be adopted in fixing seniority in the cadre of Appraisers, to which recruitment was in actual practice made directly and by promotion in the ratio of 50: 50. But different considerations were held to arise when the same system was applied for fixing seniority in the cadre of Principal Appraisers because there was only one source from which the Principal Appraisers were drawn, namely Appraisers. The ratio of the judgment is: “The rotational system cannot ... apply when there is only one source of recruitment”. This is the principle within which *Roshan Lal*¹⁶ was expressed to fall. Neither the one nor the other of the two cases was concerned with the question which arises for consideration before us. The classification of which we have to determine the validity is not made in relation to the source of recruitment. Therefore cases like *Roshan Lal*, *Mervyn Coutinho*

¹³ (1970) 1 SCC 377

¹⁴ (1973) 3 SCC 592

¹⁵ AIR 1967 SC 52

¹⁶ *Roshan Lal Tandon v. Union of India*, AIR 1967 SC 1889



2026:DHC:8842-DB



and *S. M. Pandit v. State of Gujarat*¹⁷ fail in a class apart. The case last mentioned is a typical instance of that class, where directly appointed Mamlatdars were accorded a favoured treatment qua the promotee Mamlatdars in the matter of promotion to the post of Deputy Collector. Mamlatdars, whether appointed directly or by promotion, constituted one class and therefore it was held no reservation could be made in favour of the directly appointed Mamlatdars for promotion to the cadre of Deputy Collectors.”

22. The subsequent, and more recent decision of the Supreme Court in *Chandan Banerjee v. Krishna Prosad Ghosh*¹⁸, which in fact referred to *Triloki Nath Khosa* as the *locus classicus* on the point, once again examined the issue of whether there could be a difference in the educational qualification prescribed for promotion and direct recruitment to a higher post, among persons holding the feeder post.

23. The relevant passages from *Chandan Banerjee* may be reproduced thus:

“18. The locus classicus on the question whether educational qualifications can be used as a criteria for classification between persons integrated into one class for the purpose of promotion is the decision of a Constitution Bench of this Court in *State of J&K v. Triloki Nath Khosa*. In this case, the post of an Assistant Engineer in the Engineering Service branch of the appellants was filled by way of direct recruitment or through promotion from the cadre of Subordinate Engineering Service. A rule was introduced in 1970 restricting the promotion to the next higher post of an Executive Engineer only to those Assistant Engineers who possessed a degree in Engineering or held the qualification of AMIE and had put in seven years of service. The respondents, who were diploma-holders and serving as Assistant Engineers, challenged the rule on grounds of discrimination. The Constitution Bench dealt with the question of whether persons recruited from different sources, that are integrated into one class, can then be classified to permit preferential treatment to some persons on the basis of their educational qualifications.

¹⁷ AIR 1972 SC 252

¹⁸ (2022) 15 SCC 453



21. The dictum in **Triloki Nath Khosa** was further expounded on by a subsequent decision of a Constitution Bench of this Court in **Mohd. Shujat Ali v. Union of India**¹⁹. In **Mohd. Shujat**, the Court was faced with a challenge to a quota reserved in promotion to the higher post of Assistant Engineers for the graduate Supervisors as opposed to the non-graduate Supervisors. P.N. Bhagwati, J. (as the learned Chief Justice then was), speaking for the Bench, held that:

“28. ... *But from these decisions it cannot be laid down as an invariable rule that whenever any classification is made on the basis of variant educational qualifications, such classification must be held to be valid, irrespective of the nature and purposes of the classification or the quality and extent of the differences in the educational qualifications.* It must be remembered that “life has relations not capable always of division into inflexible compartments”. The moulds expand and shrink. The test of reasonable classification has to be applied in such case on its peculiar facts and circumstances. It may be perfectly legitimate for the administration to say that having regard to the nature of the functions and duties attached to the post, for the purpose of achieving efficiency in public service, only degree-holders in Engineering shall be eligible for promotion and not diploma or certificate holders. That is what happened in **State of J&K v. Triloki Nath Khosa** and a somewhat similar position also obtained in **Union of India v. S.B. Kohli**. But where graduates and non-graduates are both regarded as fit and, therefore, eligible for promotion, it is difficult to see how, consistently with the claim for equal opportunity, any differentiation can be made between them by laying down a quota of promotion for each and giving preferential treatment to graduates over non-graduates in the matter of fixation of such quota. The result of fixation of quota of promotion for each of the two categories of Supervisors would be that when a vacancy arises in the post of Assistant Engineer, which, according to the quota is reserved for graduate Supervisors, a non-graduate Supervisor cannot be promoted to that vacancy, even if he is senior to all other graduate Supervisors and more suitable than they. His opportunity for promotion would be limited only to vacancies available for non-graduate Supervisors. That would clearly amount to denial of equal opportunity to him. ...



... But even so, we do not think we can be persuaded to strike down the Andhra Pradesh Rules insofar as they make differentiation between graduate and non-graduate Supervisors. This differentiation is not something brought about for the first time by the Andhra Pradesh Rules. It has always been there in the Engineering Services of the Hyderabad and the Andhra States. The graduate Supervisors have always been treated as a distinct and separate class from non-graduate Supervisors both under the Hyderabad Rules as well as the Andhra Rules and they have never been integrated into one class. Under the Hyderabad Rules, the pay scale of graduate Supervisors was Rs 176-300, while that of non-graduate Supervisors was Rs 140-300 and similarly, under the Andhra Rules, the pay scale of non-graduate Supervisors was Rs 100-250, but graduate Supervisors were started in this pay scale at the stage of Rs 150 so that their pay scale was Rs 150-250. Graduate Supervisors and non-graduate Supervisors were also treated differently for the purpose of promotion under both sets of rules. In fact, under the Andhra Rules a different nomenclature of Junior Engineers was given to graduate Supervisors. The same differentiation into two classes also persisted in the reorganised State of Andhra Pradesh. The pay scale of Junior Engineers was always different from that of non-graduate Supervisors and for the purpose of promotion, the two categories of Supervisors were kept distinct and apart under the Andhra Rules even after the appointed day. The common gradation list of Supervisors finally approved by the Government of India also consisted of two parts, one part relating to Junior Engineers and the other part relating to non-graduate Supervisors. The two categories of Supervisors were thus never fused into one class and no question of unconstitutional discrimination could arise by reason of differential treatment being given to them. Contention E cannot, therefore, prevail and must be rejected."

(emphasis supplied)

The Court observed that the service rules for the Engineering Department had consistently maintained a differentiation between graduate Supervisors and non-graduate Supervisors and they were never merged into one class.

22. In **Roop Chand Adlakha v. DDA**²⁰, a two-Judge Bench of this Court dealt with the question of whether different conditions of



eligibility for promotion could be provided between diploma-holders and degree-holders. In the facts of the case, the initial recruitment to the cadre of Junior Engineer in the Public Works Department of the respondent was made from two different sources—that is degree-holders with no experience and diploma-holders having two years of experience or more. For promotion to the cadre of Assistant Engineers, Junior Engineers holding a degree were required to have three years of experience, while Junior Engineers holding a diploma were required to have eight years of experience.

23. Following the decision of this Court in **Triloki Nath Khosa**, M.N. Venkatachaliah, J. (as the learned Chief Justice then was) observed that:

“29. In **Triloki Nath** case diploma-holders were not considered eligible for promotion to the higher post. Here, in the present case, the possession of a diploma, by itself and without more, does not confer eligibility. Diploma, for purposes of promotion, is not considered equivalent to the degree. This is the point of distinction in the situations in the two cases. If diploma-holders — of course on the justification of the job requirements and in the interest of maintaining a certain quality of technical expertise in the cadre — could validly be excluded from the eligibility for promotion to the higher cadre, it does not necessarily follow as an inevitable corollary that the choice of the recruitment policy is limited to only two choices, namely, either to consider them “eligible” or “not eligible”. *State, consistent with the requirements of the promotional posts and in the interest of the efficiency of the service, is not precluded from conferring eligibility on diploma-holders conditioning it by other requirements which may, as here, include certain quantum of service experience. In the present case, eligibility determination was made by a cumulative criterion of a certain educational qualification plus a particular quantum of service experience. It cannot, in our opinion, be said, as postulated by the High Court in Kimti Lal Kathuria v. DDA²¹, that the choice of the State was either to recognise diploma-holders as “eligible” for promotion or wholly exclude them as “not eligible”. If the educational qualification by itself was recognised as conferring eligibility for promotion, then, the superimposition of further conditions such as a particular period of service, selectively, on the diploma-holders alone to their disadvantage might become discriminatory. This*



2026:DHC:8842-DB



does not prevent the State from formulating a policy which prescribes as an essential part of the conditions for the very eligibility that the candidate must have a particular qualification plus a stipulated quantum of service experience. It is stated that on the basis of the “Vaish Committee” report, the authorities considered the infusion of higher academic and technical quality in the personnel requirements in the relevant cadres of Engineering Services necessary. These are essentially matters of policy. Unless the provision is shown to be arbitrary, capricious, or to bring about grossly unfair results, judicial policy should be one of judicial restraint. The prescriptions may be somewhat cumbersome or produce some hardship in their application in some individual cases; but they cannot be struck down as unreasonable, capricious or arbitrary. The High Court, in our opinion, was not justified in striking down the rules as violative of Articles 14 and 16.”

(emphasis supplied)”

24. From a reading of the law as declared by the Supreme Court in the aforesaid decisions, it is clear that an *intelligible differentia* exists between persons who are aspiring for direct recruitment to a higher post, *vis-à-vis* those who seek to ascend to that post by promotion. The considerations which govern these two categories of persons is different. A promotee would already have behind her, or him, a number of years of service *in the same organization* as TGT or PGT, unlike a direct recruit, who may be from outside. The experience gained in the same organization might well, in the perception of the authorities, suffice to compensate the lack of a B. Ed. qualification. The fact that a minimum number of years as TGT or PGT is also stipulated for direct recruitment cannot efface this distinction, as that experience need not be in the same organization.

25. In any event, the question of the desirable educational qualifications for a person to be directly recruited to the post of Vice



2026:DHC:8842-DB



Principal or Principal would rest with the authorities, and, absent any clear and patent arbitrariness or discrimination resulting therefrom, Courts must desist from declaring such stipulations to be arbitrary.

26. We, therefore, are of the opinion that it is not possible for us to hold that, in prescribing B.Ed. as an educational qualification for direct recruitment to the post of Vice-Principal or Principal, any invidious discrimination, as would offend Articles 14 and 16 of the Constitution of India, *vis-à-vis* those who seek to become Vice-Principal or Principal by way of promotion, exists.

27. We, therefore, regret that we are unable to come to the aid of the petitioner.

28. The writ petition is, accordingly, dismissed.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 5, 2026/aky