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\$~61, 62, 64, 116 to 119 and 122 and 125

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

CNR No. DLHC010492142026

+ W.P.(C) 15098/2026 & CM APPL. 70858/2026, CM APPL. 70859/2026

ABHISHEK KUMAR DUBEY Petitioner
Through: Mr. K. Venkatraman and Mr. Avinash, Advs.

versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN (HQ) & ORS. Respondents
Through: Mr. S. Rajappa, Adv. with Mr. R. Gowrishankar and Ms. G. Dhivyasri, Adv.

CNR No. DLHC010492162026

+ W.P.(C) 15099/2026 & CM APPL. 70860/2026, CM APPL. 70861/2026

AMIT SHARMA Petitioner
Through: Mr. K. Venkatraman and Mr. Avinash, Adv.

versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN (HQ) & ORS. Respondents
Through: Mr. S. Rajappa, Adv. with Mr. R. Gowrishankar and Ms. G. Dhivyasri, Adv.

CNR No. DLHC010492892026

+ W.P.(C) 15111/2026 & CM APPL. 71017/2026, CM APPL. 71018/2026



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KM NIKITA

.....Petitioner

Through: Mr. K. Venkatraman and Mr.
Avinash, Advs.

versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN (HQ) & ORS.

.....Respondents

Through: Mr. S. Rajappa, Adv. with Mr.
R. Gowrishankar and Ms. G. Dhivyasri,
Advs.

CNR No. DLHC010493212026

+ W.P.(C) 15128/2026 & CM APPL. 71108/2026, CM APPL.
71109/2026

JAYETA KAUSHIK & ORS.

.....Petitioners

Through: Mr. K. Venkatraman and Mr.
Avinash, Advs.

versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN (HQ) & ORS.

.....Respondents

Through: Mr. S. Rajappa, Adv. with Mr.
R. Gowrishankar and Ms. G. Dhivyasri,
Advs.

CNR No. DLHC010493242026

+ W.P.(C) 15131/2026 & CM APPL. 71125/2026, CM APPL.
71126/2026

KOMAL SHARMA & ORS.

.....Petitioners

Through: Mr. K. Venkatraman and Mr.
Avinash, Advs.

versus



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THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN (HQ) & ORS.

.....Respondents

Through: Mr. S. Rajappa, Adv. with Mr.
R. Gowrishankar and Ms. G. Dhivyasri,
Advs.

CNR No. DLHC010493252026

+ W.P.(C) 15132/2026 & CM APPL. 71128/2026, CM APPL.
71129/2026

HARDEEP TALWAR

.....Petitioner

Through: Mr. K. Venkatraman and Mr.
Avinash, Adv.

versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN & ORS.

.....Respondents

Through: Mr. S. Rajappa, Adv. with Mr.
R. Gowrishankar and Ms. G. Dhivyasri,
Advs.

CNR No. DLHC010493272026

+ W.P.(C) 15133/2026 & CM APPL. 71134/2026, CM APPL.
71135/2026

TABASSUM PRAVEEN

.....Petitioner

Through: Mr. K. Venkatraman and Mr.
Avinash, Adv.

versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN & ORS.

.....Respondents

Through: Mr. S. Rajappa, Adv. with Mr.
R. Gowrishankar and Ms. G. Dhivyasri,
Advs.



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CNR No. DLHC010493712026

+ W.P.(C) 15160/2026 & CM APPL. 71181/2026, CM APPL. 71182/2026

ASHISH KUMAR & ORS. Petitioners
Through: Mr. K. Venkatraman and Mr. Avinash, Advs.

versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN (HQ) & ORS. Respondents
Through: Mr. S. Rajappa, Adv. with Mr. R. Gowrishankar and Ms. G. Dhivyasri, Advs.

CNR No. DLHC010494382026

+ W.P.(C) 15183/2026 & CM APPL. 71277/2026, CM APPL. 71278/2026

ARJUN SINGH YADAV & ORS. Petitioners
Through: Mr. K. Venkatraman and Mr. Avinash, Advs.

versus

THE COMMISSIONER KENDRIYA VIDYALAYA
SANGATHAN & ORS. Respondents
Through: Mr. S. Rajappa, Adv. with Mr. R. Gowrishankar and Ms. G. Dhivyasri, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% **12.10.2026**

1. The petitioners in these writ petitions were not permitted to



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participate in the interview for selection and appointment as Trained Graduate Teacher (Art Education)¹, following Advertisement No. 15/2022 dated 2 December 2022 issued by the Kendriya Vidyalaya Sangathan², on the ground that they did not possess the prescribed essential qualifications for the post. Aggrieved, the petitioners approached the Central Administrative Tribunal³, which has dismissed the Original Applications⁴ filed by them. The petitioners have, by these decisions, challenged the judgment of the Tribunal.

2. The prescribed educational qualifications, for the post of TGT(AE), in the present case, read thus”

“1. Five years’ recognized Diploma in Drawing and Painting/Sculpture/Graphic Art OR Equivalent recognized Degree.

2. Working knowledge of Hindi & English.”

3. Mr. Venkatraman, learned Counsel for the petitioner, seeks to submit that his clients possessed BA degrees in Fine Arts and MA in drawing and painting which would qualify as “equivalent recognized degrees” if not higher qualifications, vis-à-vis those prescribed for TGT (AE).

4. We have already held, in *Govt. of NCT of Delhi v. Manu*⁵, which noted the line of authorities of the Supreme Court on the point, starting with *P.M. Latha v. State of Kerala*⁶, *Jyoti K.K. v. Kerala*

¹ “TGT (AE)” hereinafter

² “KVS” hereinafter

³ “the Tribunal” hereinafter

⁴ “OAs” hereinafter

⁵ 2026 SCC OnLine Del 5152

⁶ (2003) 3 SCC 541



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Public Service Commission⁷, State of Punjab v. Anita⁸, Parvaiz Ahmad Parry v. State of J & K,⁹ Zahoor Ahmad Rather v. Imtiyaz Ahmad¹⁰, Puneet Sharma v. Himachal Pradesh State Electricity Board¹¹, Jomon K.K. v. Shajimon P¹² and General Manager (HR) v. K. Poovarasan¹³ that the legal position which obtains is as follows:

“34. When examines the decision cited *supra*, the only decision, prior to ***Jomon***, which directly addresses the issue of whether a candidate with a higher qualification could be treated as eligible for a post which prescribed a lower qualification, is ***Parvaiz Ahmad Parry***. Seen in isolation, that decision would seem to support the case of the respondents as the Supreme Court held, in that case, that, though the prescribed educational qualification was B.Sc (Forestry) a person who has studied B.Sc with Forestry as an additional subject and who possessed M.Sc in Forestry would *ipso facto* be entitled for consideration and appointment against the post even though he did not possess a dedicated B.Sc degree in Forestry.

35. Had ***Jomon*** not come along, we may have been inclined to hold in favour of the respondents, in view of the law declared in ***Parvaiz Ahmad Parry***. However, ***Parvaiz Ahmad Parry***, besides being a decision of a co-equal Bench, has been noticed and distinguished in ***Jomon***. After noticing ***Parvaiz Ahmad Parry***, ***Jomon*** has held, in para 36, in clear, candid and unequivocal terms, that a person holding a higher qualification cannot be recruited against a post for which the prescribed educational qualification is lower.

36. For the first time, among the judgments that we have had chance to come across, which we have noticed *supra*, the aspect of the public interest element involved in ensuring that posts were held by persons possessing the qualifications prescribed for the posts and were not thrown open to persons with higher qualifications was first noted in ***Jomon***. The necessity of ensuring that everyone secured employment, and that persons with higher

⁷ (2010) 15 SCC 596

⁸ (2015) 2 SCC 170

⁹ (2015) 17 SCC 709

¹⁰ (2019) 2 SCC 404

¹¹ (2021) 16 SCC 340

¹² 2025 SCC OnLine SC 711

¹³ 2026 SCC OnLine SC 1048



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qualifications did not monopolise posts which were meant for persons with lower qualifications, was underscored in *Jomon*.

37. If two decisions of coordinate Benches of the Supreme Court exposit contrary views, the judgment of the Supreme Court in *Union Territory of Ladakh v. Jammu and Kashmir National Conference*¹⁴, requires, in para 35 thereof, High Courts to follow the earlier decision. That principle, however, would apply where the earlier decision has not been noticed in the later decision. Had *Jomon* not noticed *Parvaiz Ahmad Parry*, this issue may have arisen for consideration. Once, however, the later decision has noticed the earlier decision and, thereafter, proceeded to exposit the law, a court lower in the judicial hierarchy is bound to follow the later decision. This would be all the more so where the two decisions are of co-equal Benches such as *Parvaiz Ahmad Parry* and *Jomon*.

38. We, therefore, are bound by the declaration of the law in para 36 of *Jomon* which holds, *after noticing Parvaiz Ahmad Parry*, that the necessity, at times, of filling up posts with persons having lesser qualifications has to be recognized and conceded and that, therefore, persons not possessing those qualifications but possessing qualifications which are facially “higher” cannot aspire thereto. Our understanding is fortified by the fact that para 36 in *Jomon* has been adopted and followed by the Supreme Court later in *Poovarasan*, which reiterates the philosophy contained in para 36 of *Jomon*.

39. The prevailing legal position, therefore, is that persons holding higher qualifications cannot, by virtue of such qualifications, seek recruitment to posts which are to be filled by persons with lower qualifications.”

5. Ergo, possession of a higher qualification cannot entitle a candidate to recruitment if the candidate does not possess the prescribed qualification.

6. Mr. Venkatraman then seeks to submit that the degrees held by the petitioners can be treated as “equivalent recognized degrees” to

¹⁴ (2024) 18 SCC 643



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“five years recognized diploma in Drawing and Painting/Sculpture/Graphic Art”.

7. Given the legal position on the subject, we are unable to come to the aid of the petitioners even on this score. The Supreme Court has held in *Unnikrishnan v. Union of India*¹⁵ that equivalence cannot be determined by a Court and that it is for the party pleading equivalence to produce material to substantiate the claim.

8. As the Tribunal has held in the impugned judgment, there is no material on record on the basis of which the Tribunal could have come to a subjective decision that the BA and MA degrees held by the petitioners would be equivalent to the required five years’ recognized diploma in Drawing and Painting/Sculpture/Graphic Art.

9. Mr. Venkatraman has cited the judgment of this Court in *Navodaya Vidyalaya Samiti v. Nidhi Rani*¹⁶.

10. That case, to our mind, is clearly distinguishable as is clear from paras 10 to 14 thereof, which we may reproduce thus:

“10. The Essential Qualifications were, in the alternative,

(i) 4/5 year Diploma in any discipline of Fine Arts, as Drawing/Painting/Sculpture/Graphics Arts/Crafts which none of the respondents possessed, or

(ii) B. Ed. Degree in Fine Arts from the Regional College of Education which, too, none of the respondents possessed, or

¹⁵ (2023) 18 SCC 546

¹⁶ 2025 SCC OnLine Del 7898



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(iii) Degree in Fine Arts/Crafts from a recognized University.

11. Qualification (iii), as contained in the advertisement, did not stipulate whether the Degree was to be a Bachelor's Degree or a Master's Degree. Either would, therefore, clearly suffice.

12. Further, the advertisement also clarified that Drawing, Painting, Sculpture, Graphic Arts and Crafts were all "Fine Arts".

13. A Degree, whether Bachelor's or Master's, in any one of these fields would, therefore, qualify as a "Degree in Fine Arts".

14. There is no dispute that the Universities from where the respondents obtained their Degrees were recognized."

11. In that view of the matter, we find no error in the manner the Tribunal has dealt with the matter as would justify interference by us under Article 226 of the Constitution of India.

12. These writ petitions are therefore dismissed in *limine*.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 12, 2026

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