



2025:DHC:5431-DB



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

Date of decision: 07.07.2025

+ W.P.(C) 9183/2025 & CM APPL. 38972/2025

EDITH DAWA

.....Petitioner

Through: Mr.Aniruddha Pratap and
Mr.Abhishek Yadav, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Ravinder Agarwal,
Mr.Manish Kumar Singh and
Mr.Vasu Agarwal, Advs. for
R-3/UPSC
Mr.Parmanand Gaur, SC with
Mr.Rajat Manchanda,
Mr.Vibhav Mishra, Ms.Megha
Gaur, and Ms.Aditi Singhal,
Advs. for R-4/UGC

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 06.05.2025 (hereinafter referred to as, 'Impugned Order') passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.1647/2025 titled *Edith Dawa v. Union of India & Ors.*, dismissing the said O.A. filed by the petitioner herein.

2. The petitioner further challenges the '*Re-examined Final*



Scrutiny/Shortlisting Details' dated 23.04.2025, issued by the respondent no.3, as being arbitrary.

3. The petitioner also seeks a direction to the respondent no.3 to accept the application of the petitioner as complete and to consider her candidature for the post of Deputy Superintending Archaeologist in the Archaeological Survey of India, Ministry of Culture, pursuant to the Advertisement No.11/2024.

4. By way of the above Advertisement, the respondent no.3 had invited applications for the said post, prescribing the essential educational qualifications as under:

“ESSENTIAL QUALIFICATIONS:

EDUCATIONAL:

(i) Master's degree in Archaeology or Master degree in Indian History (with Ancient Indian History or Medieval Indian History as a subject or paper) or Master degree in Anthropology (with stone-age Archaeology as a subject or paper) or Master degree in Geology (with Pleistocene Geology as a subject or paper) from a recognized University or Institute, and

(ii) Post graduate or Advanced Diploma in Archaeology of a duration of at least one year from a recognized University or Institute Or Field experience of at least three years in Archaeology.”

DESIRABLE:

Doctorate degree in Archaeology or Indian History or Anthropology or Geology from a recognized University or Institute.

NOTES:

NOTE-I: *The Qualifications are relaxable at the discretion of the Union Public Service Commission, for reasons to be recorded in writing, in the case of candidates otherwise well qualified.*

NOTE-II: *The qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission, for reasons to be recorded in*



writing in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.”

5. The petitioner admittedly has a Master's degree in Anthropology. Her candidature was rejected by the respondent no.3 in the Impugned 'Re-examined Final Scrutiny/Shortlisting Details', observing therein that the respondent no.3 has decided that no synonymous nomenclature of Degrees or subjects shall be accepted and the marksheet must unambiguously indicate Stone Age Archaeology (or Prehistoric Archaeology) as a subject or paper being taught. As the petitioner failed to meet these requirements, her candidature was rejected.

6. The learned counsel for the petitioner submits that the respondent no.3 has, in fact, given more weightage to form rather than substance. He submits that the Indira Gandhi National Open University (IGNOU), from where the petitioner completed her Master's Degree, has certified by a Certificate dated 18.02.2025 that the Master's degree obtained by the petitioner covers a wide range of topics and follows a similar syllabus to Stone Age Archaeology/Prehistory. He further places reliance on the syllabus being taught to the students undertaking a Master's degree course in Anthropology from Banaras Hindu University (BHU). He submit that, therefore, in the present case, the respondent no.3 wrongly rejected the candidature of the petitioner.



7. On the other hand, the learned counsel for the respondent no.3, who appears on advance notice of this petition, reiterates that the Advertisement does not contemplate any equivalence exercise to be conducted by the respondent no.3. He submits that the essential subject required to be studied in the Master's Degree was prescribed as in Archaeology or Anthropology. The same was reiterated in the '*Re-examined Final Scrutiny/Shortlisting Details*', by prescribing that the candidate must show in the marksheet that the required subject was taught.

8. Placing reliance on the judgment of the Supreme Court in *Shifana P.S. v. State of Kerala & Ors.*, (2024) 8 SCC 309, he submits that judicial review cannot expand its ambit to carry out an exercise of equivalence of the prescribed qualification.

9. We have considered the submissions made by the learned counsels for the parties.

10. The Advertisement in question, prescribes *inter alia* a Master's degree in Anthropology, with Stone Age Archaeology as an essential subject or paper.

11. The petitioner has placed reliance on the Certificate dated 18.02.2025 issued by IGNOU, which *inter alia* states as under:

"This course follows a 'similar syllabus' to Stone Age Archeology/Prehistory."

12. The marksheet of the petitioner admittedly does not reflect her having undertaken a course or having studied the subject of Stone Age Archaeology (or Prehistoric Archaeology).



13. The Advertisement also did not mention that any equivalence exercise shall be carried out by the respondent no.3. The respondent no.3, therefore, in our opinion, rightly stated in the '*Re-examined Final Scrutiny/Shortlisting Details*' that no synonymous nomenclature of Degrees or subjects shall be accepted. We quote the same as under:

"iv) No synonymous nomenclature of Degrees or subjects has been accepted. Also equivalent qualification or experience has not been accepted."

14. The respondent no.3 further stated that as the Advertisement required a Master's Degree in Anthropology, with Stone-Age Archaeology as a subject or paper, the marksheet must reflect that such a paper has been studied by the candidate.

15. We again quote from the '*Re-examined Final Scrutiny/Shortlisting Details*', as under:

"iii. Anthropological Archaeology as a subject/paper is similar to Stone Age Archaeology.

However, as per the RR, those claiming Master's degree in Anthropology should have Stone Age Archaeology as a separate subject or paper. Accordingly Applications wherein Masters Degree in Anthropology has been claimed as EQ A1, it has been rejected uniformly if the Mark Statement do not unambiguously indicate Stone Age Archaeology (or Prehistoric Archaeology) as a subject or paper as a separate subject.

The above are as per the modality no. (iv) adopted by the Commission for scrutiny in this Recruitment Case."

16. In *Shifana P.S.* (supra), the Supreme Court, on the matter of equivalence, has held as under:

"12. Indisputably, the qualifying criteria prescribed



for the post advertised vide Notification dated 30-4-2008 was a degree in BSc (Chemistry). Admittedly, the appellant does not hold such a degree. It is the case of the appellant that BSc (Polymer Chemistry) degree acquired by her is required to be treated as equivalent to a degree in BSc (Chemistry). However, the said argument does not hold water and is misconceived.

13. This Court in Zahoor Ahmad Rather v. SK. Imtiyaz Ahmad held that judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Therefore, the equivalence of a qualification is not a matter that can be determined in the exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine.

14. In Unnikrishnan CV v. Union of India, a three-Judge Bench of this Court, while relying upon the earlier judgment in Guru Nanak Dev University v. Sanjay Kumar Katwal held that equivalence is a technical academic matter, it cannot be implied or assumed. Any decision of the academic body of the University relating to equivalence should be by specific order or resolution, duly published.

15. The fervent plea advanced on behalf of the appellant that the University of Calicut had issued a certificate dated 10-10-2011 verifying that BSc (Polymer Chemistry) course of the said University is recognised as equivalent to its BSc (Chemistry) course is also not tenable in light of the observations made by this Court in Unnikrishnan CV. In view of the settled principles of law flowing from the above precedents, we are of the firm view that the appellant herein was not qualified for the post advertised vide Notification dated 30-4-2008.”

17. Keeping in view the above dictum, it cannot be said that the respondent no.3 has acted in an arbitrary manner in declining to carry



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out a further equivalence exercise in the subject recruitment process.

18. We, therefore, do not find any infirmity in the order passed by the learned Tribunal, or any merit in the petitioner's challenge to the '*Re-examined Final Scrutiny/Shortlisting Details*' issued by the respondent no.3.

19. The petition along with the pending application is, accordingly, dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 7, 2025/ns/sj

Click here to check corrigendum, if any