



2026:AHC:60366-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 4009 of 2026

Vimal Kant Rai And 27 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prashant Mishra, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C., Mahendra Narain Singh

Court No. - 29

HON'BLE ARINDAM SINHA, J.
HON'BLE DEVENDRA SINGH-I, J.

(Per Arindam Sinha, J.)

1. Mr. Tarun Agrawal, learned senior advocate appears on behalf of petitioners. He submits, his clients have graduation in discipline Information Technology (IT). Under challenge is order dated 27th January, 2026 passed by the authority saying, petitioners' demand to include them in ongoing selection process by treating B.Tech. (IT) as equivalent to B.Tech. (Computer Science) for eligibility qualification, cannot be considered. He hands up supplementary affidavit dated 23rd March, 2026 containing, *inter alia*, English translation of impugned order dated 27th January, 2026.

2. He submits, there was advertisement dated 28th July, 2025 for recruiting, *inter alia*, Assistant Teacher (Computer). His clients being excluded on eligibility as holding degree of B.Tech. (IT) could not apply and hence, they filed earlier **Writ-A no.11618 of 2025**. Said writ petition came to be disposed of by co-ordinate Bench on **order dated 13th August, 2025**. Mr. Agrawal relies on, *inter alia*, paragraphs 3 to 5 in the disposal order, reproduced below.

"3. In support of the submission, reliance has been placed on a Notification dated 28th April, 2017 issued by All-India Council for Technical Education, wherein B.Tech (IT) has been recognised as equivalent to B.Tech (Computer Science). Although, these regulations do not specifically apply to the recruitment in question, but the same is being relied upon in support of the submission that the B.Tech (IT) should be

treated as equivalent to B.Tech (Computer Science). It is also submitted that the Social Welfare Department of the State, in the recruitment held by it, had also recognised B.Tech (IT) as equivalent to B.Tech (Computer Science) and therefore, there is no good ground to exclude the said qualification as qualifying qualification for the recruitment in question.

4. Indisputably, the issue of equivalence of any degree with other degree is the domain of experts. We are, therefore of the considered opinion that the said issue should be decided in the first instance by the first respondent after obtaining relevant inputs from any expert body, which it may consider appropriate.

5. Since the last date for submission of application form under the impugned advertisement is 28.08.2025, therefore, as suggested by counsel for the respondents, we dispose of the instant petition with direction to respondent No.1 to take decision on the said aspect positively by 23rd August, 2025, subject to the petitioners communicating the instant order to respondent No.1 within 48 hours."

On no action taken his clients moved for cognizance of contempt. By order dated 14th November, 2025 the learned contempt Judge noted that recommendations had already been made by the Director of Education (Secondary) to say B.Tech. (IT) degree is equivalent to B.Tech. (Computer Science). The expert opinion was communicated by letter dated 4th December, 2025. The opinion was reproduced in impugned order and is extracted and reproduced below.

"After due examination and consideration of all legal, academic and judicial facts, the opinion of the Association of Indian Universities is that B.Tech (Computer Science/Computer Science & Engineering) and B.Tech (Information Technology) are completely equivalent degrees and for all academic, recruitment and service-related purposes both should be accorded equal recognition.

In light of the above facts, the Association of Indian Universities recommends that for the post of Assistant Teacher (Computer), B.Tech (Information Technology) should be recognized at par with B.Tech (Computer Science) in the eligibility criteria."

3. Mr. Agrawal submits, in spite of intervention by co-ordinate Bench, thereafter contempt and the expert opinion on record, impugned order was passed rejecting demand of his clients to be considered as eligible pursuant to the advertisement. He seeks interference.

4. Mr. Sharad Chandra Upadhyay, learned advocate, Standing Counsel appears on behalf of State. Mr. Fuzail Ahmad Ansari, learned advocate, Standing Counsel appears on behalf of respondent no.3 (the Commission). He submits, there was amendment made to the rule, notified in January, 2025. The advertisement was issued following the rule. The rule did not mention any equivalence. It follows, the advertisement also did not mention on equivalence. Petitioners' case on equivalence therefore has no legs to stand.

5. On query Mr. Agrawal submits, a learned single Judge of this Court took a view on **judgment dated 17th September, 2021**, disposing of a batch of civil writ petitions, lead case being **Civil Misc. Writ Petition no.656 of 2020 (Vikas and others vs. State of U.P. and others)**, reported in **2021 (9) ADJ 59**. He draws attention to paragraph 3 in the report to submit, question before the writ Court was on equivalence of the mentioned educational degrees. On query he refers to paragraph 54 bearing the conclusions in the judgment. We reproduce below clauses C and E from the paragraph.

"C. The issue of an equivalent qualification being accepted would only arise where the rules do envisage and provide that such a qualification would also be liable to be considered. In the absence of an express stipulation in that respect being provisioned for in the relevant rules, no occasion would arise for the Court to examine that question.

D.

*E. Zahoor Ahmad Rather is a binding authority for the proposition that equivalence of qualifications is not a matter which should be determined in exercise of the power of judicial review. **The Supreme Court went on to observe that the question of whether a particular qualification is to be regarded as equivalent is a matter for the recruiting authority to determine. The Court also bears in mind the decision in Sandeep Shriram Warade where the Supreme Court in more categorical terms***

held that questions of equivalence would fall outside the domain of judicial review."

(emphasis supplied)

On further query Mr. Agrawal submits, the judgment is subject matter of still pending appeal. However, there is no interim order of stay made. At this stage Mr. Ansari submits, he relies on paragraph 57 of the judgment. A part of the paragraph is reproduced below.

*"57. The stand of the Department of Personnel has already been noticed and recorded in these proceedings. The Court finds no justification for other departments and constituents of the State not following and adopting an identical practice. In view of the above, let a copy of this judgment be placed before the Chief Secretary of the Government of U.P. to instruct all other departments, agencies and entities of the **State to henceforth ensure that the question of equivalence of qualifications, where the rules of recruitment so envisage as conferring eligibility, shall be determined prior to the commencement of any recruitment exercise.** The Chief Secretary shall place an affidavit of compliance in this respect on the record of this writ petition within a period of 1 month from today.*

....."

(emphasis supplied)

6. We had made query regarding equivalence in context of reference to **Vikas** (supra) in impugned order. Clear view taken and direction made in the judgment is, equivalence not to be decided on judicial review. The employer must determine on equivalence. The amended rule does not speak of equivalence but give alternatives on eligibility qualifications. The advertisement issued pursuant to the rule, reflects the same alternatives on educational qualifications, for eligibility to apply. In the circumstances, the employer (State) cannot be faulted in seeking to recruit in the manner it has advertised.

7. Mr. Agrawal reiterates, State appointed expert has opined that the two degrees, B.Tech. (Computer Science) and B.Tech. (IT) are equivalent.

Hence, he seeks interference on prayer (ii) in the writ petition, to declare the rule *ultra vires* on, *inter alia*, offending article 16 in the Constitution of India. We are unable to accept the contention because as viewed by the learned single Judge in **Vikas** (supra), on reliance upon several authorities, it is the employer's prerogative on recruitment. The expert opinion was not obtained by the employer at its instance. It was given subsequently, pursuant to direction in judicial review. However, the employer had expressed clarity in issuing the advertisement following the amended rule, indicating exactly the qualifications as would meet the eligibility criteria for an applicant to apply.

8. Law declared is, equivalence cannot be decided in judicial review. Petitioners are contending on their prayer (ii) based on expert opinion subsequently rendered to urge us to strike down the rule. Interference will mean us deciding on equivalence sitting in judicial review of impugned order. In the circumstances, we are not moved to interfere.

9. The writ petition is dismissed.

(Arindam Sinha,J.)

(Devendra Singh-I,J.)

March 24, 2026

Salim