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**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

SANJAY KUMAR; J., K. VINOD CHANDRAN; J.

Special Leave Petition (C) Nos.29192-29195 of 2024; March 16, 2026
Shiny C.J. & Ors. versus Shalini Sreenivasan & Ors. Etc.

Service Law – Recruitment – Integrated Child Development Scheme (ICDS) – Kerala Social Welfare Subordinate Services – Selection to the post of Supervisor – Eligibility of Graduate Anganwadi Workers to compete in the 29% quota reserved for SSLC holders - Special Rules for the Kerala Social Welfare Subordinate Services, 2010 – Amendment effective from 01.01.2014 – Distribution of Vacancies – Held that the 11% ratio carved out specifically for Anganwadi Workers with a graduate degree does not exclude such graduates from applying under the 29% quota earmarked for Anganwadi Workers with SSLC and 10 years' experience - held that graduates naturally possess the lower SSLC qualification; therefore, unless the rules expressly prohibit higher qualifications or exclude graduates from the general pool, they are eligible to compete in both categories.

Interpretation of "Ratio" vs "Quota" – The Supreme Court clarified that the 11% allocation was intended to upgrade the cadre by ensuring experienced graduates are appointed to Supervisor posts, previously filled from the open category direct recruitment - This earmarking did not reduce the chances of SSLC-only holders, as their 29% ratio remained intact and was not reduced by the amendment.

Merit-Based Selection – No Edge for Graduates – The selection process, involving an OMR and main written test focusing on pediatric health, provided a level playing field - The fact that non-graduates significantly outnumbered graduates in the final selection (235 out of 317) dispelled any apprehension that graduation conferred an unfair advantage or "edge" in the examination – Noted that The High Court's interpretation that the quotas were mutually exclusive was termed a "judicial fiat" that interfered with the executive's rule-making authority. "What the executive did not think fit to do by prescription in the Rules, could not have been done by a judicial fiat" – Appeals allowed. [Relied on *Sanjay Kumar v. Narinder Verma* (2006) 6 SCC 467; Paras 13-23]

WITH Special Leave Petition (C) Nos.1148-1149 of 2025, Special Leave Petition (C) No.1791 of 2025, Special Leave Petition (C) No.3973 of 2026]

For Petitioner(s) Mrs. Vishnupriya P Govind, Adv. Mr. Manu Krishnan G, AOR Ms. Smrithi V S, Adv. Mr. Huzefa Ahmadi, Sr. Adv. Mr. Nikhil Goel, Sr. Adv. Mr. Mohammed Sadique T.a., AOR Mr. Krishna Dev Jagarlamudi, Adv. Mrs. Anu K Joy, Adv. Mr. Alim Anvar, Adv. Mr. Santhosh K, Adv. Mrs. Devika A.I., Adv. Mr. Sarath S Janardanan, AOR Ms. Namita Kumari, Adv.

For Respondent(s) Mr. Vishnu Sharma A.S., AOR Mr. D. Bharat Kumar, Adv. Mr. Rahul G. Tanwani, Adv. Mr. Aman Shukla, Adv. Ms. Yatika Gupta, Adv. Mr. Kadali Vali Baba, Adv. Mr. S. Prasada Rao, Adv. Mr. Godavari V Durga Prasad, Adv. Mr. M. Chandrakanth Reddy, Adv. Mr. Shambhunath Bhanja, Adv. Mr. Gopal Jha, AOR Mr. Harshad V. Hameed, AOR Mr. Dileep Poolakkot, Adv. Mrs. Ashly Harshad, Adv. Mr. Mahabir Singh, Adv. Dr. Arunender Thakur, Adv. Mr. Anshul Saharan, Adv. Mr. Raj Shekhar, Adv. Mr. Praveen Ks, Adv. Ms. Varsha Ranjan, Adv. Mr. Prashant Kumar, Adv. Mr. Amol Chitravanshi, AOR Ms. Bina Madhavan, Adv. M/s. Lawyer S Knit & Co, AOR Mr. Vipin Nair, AOR Mr. Aditya Narendranath, Adv. Mr. P B Sashaankh, Adv. Mr. Haresh Nair, Adv. Ms. M. B. Ramya, Adv. Ms. Deeksha Gupta, Adv. Ms. Puspita Basak, Adv. Ms. Madhavi Yadav, Adv. Mr. T. G. Narayanan Nair, AOR Ms. Samyuktha H Nair, Adv.

J U D G M E N T

K. Vinod Chandran, J.

Leave granted.

2. Whether Anganwadi Workers having a Secondary School Leaving Certificate (SSLC) with 10 years' experience, by reason of having possessed or obtained a graduate degree; in their eligibility to apply for vacancies of Supervisors in the Integrated Child Development Scheme (ICDS) should be confined to the 11% earmarked for graduates? Whether by such earmarking of vacancies for graduates are they excluded from applying under the 29% vacancies available to Anganwadi Workers holding an SSLC certificate and 10 years' experience, for reason only of possessing a higher qualification?

3. Sri. Huzefa Ahmadi, learned Senior Counsel, led the arguments for the appellants and first took us to the rule position as it existed prior to 2013 and after the amendment, applicable from 01.01.2014. It is pointed out that the specific ratio carved out for the graduates amongst the Anganwadi Workers was from the ratio earlier kept apart for direct recruitment from graduates. This does not exclude the graduate Anganwadi Workers who have the requisite experience from applying in the 29% quota which they were always entitled to. Any interpretation otherwise would be discounting the efforts undertaken to obtain a higher qualification. The Anganwadi Workers when they are appointed as Supervisor ICDS resign from their earlier appointment and takes up the services under the ICDS. Many of the graduate Anganwadi Workers appointed in the subject selection have thus resigned and face the prospect of losing their livelihood totally, if the impugned judgment, with a wrong interpretation, is upheld.

4. We were also taken through the decisions of the Administrative Tribunal and the High Court, the first of which rejected the claim of the petitioners, the respondents herein, who were Anganwadi Workers with the qualification of SSLC alone and 10 years' experience, for multiple reasons. First it was found that they had applied under the notification without demur and on their failure to get selected, challenged the inclusion of graduates. Then, it was held that the appellants did not take any effort to implead the affected parties; only 10 out of the many selected having been impleaded. The Tribunal also went into the merits and interpreted the rule correctly to find no exclusion of the graduates in applying under the notification.

5. We were also taken through the counter affidavit of the Government to indicate the intention behind providing for 11% quota, which never contemplated exclusion of graduates in the 29% quota. The counter affidavit of the Kerala Public Service Commission (KPSC) was also read over to us to bring out the selection procedure, and it was emphasized that out of the 317 persons appointed only 82 were degree holders. There can be no prejudice found in reality, as the figures would disclose, which has also been emphasized by KPSC in its counter. The interpretation by the High Court is in the teeth of the rule, which provided only a ratio and not a quota as understood by the High Court.

6. Sri. Nikhil Goel, learned Senior Counsel appearing for some of the appellants took us through the notification which specified the experience, the qualification and the rule applicable in no uncertain terms. The merit list published by the KPSC is also put forth to demonstrate that there was no weightage given to graduates. Sri. Sarath S Janardanan is concerned with the appellants in SLP (C) No. 1791 of 2025 who though figuring in the merit list were not appointed because of the status quo order passed on 19.12.2024. The

plea is that if this Court finds in favour of the graduates, then they may be directed to be appointed *dehors* the list having expired on 31.11.2025.

7. Sri. Vipin Nair for the KPSC and Sri. Harshad V Hameed for the State sought to uphold the order of the Tribunal.

8. Ms. Bina Madhavan appearing for the respondents urged that there was a benefit conferred on the graduates by apportioning 11% of the vacancies exclusively for them. It is not permissible for them to apply under the 29% vacancies which are exclusively preserved for the SSLC holders who are at a disadvantage insofar as competing with the graduates in the direct recruitment. The High Court's reasoning that the rule provided a definite quota for each of the categories is fully justified. If the graduates are allowed to compete along with SSLC holders, in addition to the 11% quota reserved for them exclusively they would impinge upon the quota as made available in the statutory rule to the SSLC holders. Reliance is placed on the decision in and **Jomon K.K. v. Shajimon P.**¹ Sri. Rahul Tanwani appearing for some of the respondents points out from the affidavit of the KPSC that the ratio of 40% as available to the Anganwadi Workers was split up to clearly demarcate the number of posts requiring higher qualification, which demonstrate their exclusion from the 29% vacancies set apart for the candidates with lesser qualification. The temporary arrangement as coming out from Note.6 demonstrates that from 2014 there is a definite quota serving as a specific source of appointment.

9. The Tribunal found that the special rules applicable to the subject recruitment does not provide any exclusion to the graduates having higher qualification and relied on **Jyoti K.K. and Others v. Kerala Public Service Commission and Others**² It was also found that Annexure A5 Notification by express words stipulated the application of Rule 10(a)(ii) which rule was not at all challenged. Relying on a number of decisions including the latest in **Ramesh Chandra Shah v. Anil Joshi**³, non-joinder of necessary parties was also held against the appellants. The Tribunal found that the object of bringing a specific ratio for graduates reveals the intention of the Government to improve the quality of services offered under the ICDS by having graduates, who also have the experience as Anganwadi Workers. The intention would be frustrated, if the interpretation as sought for by the petitioners was accepted.

10. The High Court on the other hand found that there is a specific quota provided for the graduates and the amendment was not a mere prescription of qualification. When 29% quota was allocated to Anganwadi workers with SSLC and 10 years' experience and 11% carved out for Anganwadi Workers possessing a graduate degree from the 70% available to the open category; by the very refinement in allocation a distinct quota for graduates and SSLC holders, mutually exclusive was intended.

11. We have seen the rule and its amendment as available in the records of SLP (C) No.29192-29195 of 2024; the documents in which are referred to by us. Annexure P/1 is the 'Special Rules for the Kerala Social Welfare Subordinate Services, 2010' which at Category 13 denotes: Supervisor, ICDS. The different sources of appointment are (i) promotion from specified lower categories, (ii) direct recruitment and (iii) direct recruitment from Anganwadi Workers. We are not concerned with the promotions or the direct recruitment from the general candidates.

¹ 2025 SCC OnLine SC 711

² (2010) 15 SCC 596

³ (2013) 11 SCC 309

12. As the rule existed prior to the amendment, for direct recruitment from Anganwadi Workers, the eligibility was SSLC with 10 years' experience as Anganwadi Workers under the Integrated Development Scheme in the Social Welfare Department. The note provided a ratio of 70:29:1 as applicable respectively to direct recruitment from the open category, appointment from the Anganwadi Workers and promotion from the feeder category. By the amendment a ratio of 40 was provided for direct recruitment from Anganwadi Workers of which 11 was allotted to the graduates. Under the Note, where the ratio was prescribed as 70:29:1, the figures 58:29:11:2 was substituted, enhancing also the ratio for promotion from the feeder category by one. The amendment also provided a further Note 6, wherein it was specified that the ratio of 58:40:2 shall be applicable till 31.12.2013 without any differentiation between graduate Anganwadi Workers and those who do not possess it. In that interregnum, in the absence of graduate Anganwadi Workers those vacancies remaining unfilled shall be filled up from the Anganwadi Workers possessing only SSLC and the experience of 10 years i.e., Category 2 as available in the note.

13. Essentially, we have to observe that by the amendment the quota of direct recruitment of Anganwadi Workers was increased from 29 to 40. The increase in ratio was carved out from the direct recruitment source, which could have been filled up only with graduates possessing the stipulated training certificate. There was thus no reduction of the vacancies or the ratio available prior to the amendment for the Anganwadi Workers in general i.e: those who had SSLC qualification with 10 years' experience, whether they possessed graduation or not. It is admitted that the cadre of Anganwadi Workers consisted of both SSLC holders and graduates. The amendment increasing the ratio of direct recruit Anganwadi Workers, with the increased ratio being allocated specifically for graduates, was aimed at upgrading the cadre of Supervisors in the ICDS by providing for more graduates with experience as Anganwadi Workers. At the risk of repetition we have to observe that the 11% vacancies was carved out from the open recruitment of graduates and thus the thrust was to have graduates with experience in the Supervisor posts. There is no merit in the contention of the graduates having been allocated a distinct quota since the 11% vacancies now earmarked was earlier intended to be filled up with graduates and after amendment, with experienced graduates.

14. The Anganwadi Workers with SSLC, with or without graduation, had eligibility to apply under the 29% vacancies provided they have 10 years' experience, prior to the amendment, which continues after the amendment. The provision of a ratio of 11% carved out from the direct recruitment quota of open candidates, would be entitled exclusively to graduate Anganwadi Workers with graduation. This does not in any manner reduce the chances of recruitment of Anganwadi Workers having SSLC alone; which ground of reduction of chances in any event is not a valid contention that can be taken by the aspirants to a particular post.

15. The 29% applicable to the SSLC holders is retained as such and even the graduates while being evaluated with the SSLC holders, as is evident from the records, are evaluated on the basis of an OMR test and a main written test. We are also informed by Mr. Nair, learned counsel appearing for the KPSC that the syllabus of the examination deals with paediatric health including periodic inoculations and the like. The merit list as brought out by the KPSC is produced at Annexure A2 along with I.A. No.35745 of 2025. The merit list is in accordance with the marks obtained in the test and there is no weightage given to any one candidate. As has been pointed out by the learned Senior Counsel for the appellants, there is no dispute that out of the 317 candidates selected only 82 were graduates, belying any contention regarding absence of a level playing field. The

graduation or the absence of it, obviously did not confer a privilege or a disadvantage to the candidates who appeared for the selection.

16. We were concerned as to whether the graduates were given a weightage even in the selection to the 29% vacancies and whether in reality, they had an edge over the SSLC holders for reason of their graduation. Our first concern was dispelled on being shown the merit list which does not give any weightage to any of the successful candidates. The fact that more non-graduates were selected dispels our further apprehension of the graduates having had an edge over the non-graduates in the examination, which we are told is primarily with respect to paediatric care, which in respect of an Anganwadi Worker with 10 years' experience is an assessment of the diligence with which they carried out their work in the cadre of Anganwadi workers not at all relatable to the higher qualification of graduation.

17. The counter affidavit of the State also does not bring out a conclusion as attempted to be projected by one of the learned counsel appearing for the respondents. The enhanced ratio of 40% available to Anganwadi Workers *enmasse*, as has been asserted by the State is only to ensure that 11 % vacancies are clearly demarcated for the candidates having higher qualification and it was not the intention to exclude the degree holders from the ratio of 29% available to SSLC qualified Anganwadi Workers with required experience. The KPSC in its affidavit produced as Annexure P6 has also indicated clearly that the selection was on the basis of the marks obtained in the main examination, participated in by those candidates who qualified in the preliminary OMR test.

18. We have noticed **Jyoti K.K.** as relied on by the Tribunal which we are of the opinion is not applicable. Therein the question raised was whether graduates in engineering could apply under a notification prescribing diploma in engineering as the eligible qualification. Based on Rule 10(a)(ii) in the Kerala State and Subordinate Services Rules, 1956, as also the next higher post of that notified prescribing graduation in engineering as the eligibility, this Court found that the higher qualification of graduation in engineering pre-supposes the eligibility for a post which require only a diploma; as stipulated in Rule 10(a)(ii) There is no application of the rule or the dicta to the present facts.

19. **Jomon K.K.** as pointed out by the learned counsel for the respondent also is not applicable. Therein two posts of Syrang and Lascar in the Water Transport Department, required respectively a Syrang's licence and a Lascar's licence, the first being issued only to one who possesses the other. A person having Syrang's licence applied for the post of Lascar and got appointed. This Court found that though a person having a Syrang's licence would be better equipped for the job of a Lascar, the rule provided a current Lascar's licence at the time of appointment which disabled the appellant who only had a current Syrang's licence. Though, he would have possessed a Lascar's licence the validity of that license was not in existence at the time of application.

20. The general observation made by this Court in **Jomon K.K** is only to the effect that the action of the employer to exclude a person from the process of selection as over qualified or not matching the qualifications prescribed would have to be justified on a consideration of the rules governing the selection, the qualifications prescribed, the nature of duties to be performed, the nature of service to be rendered and a host of other factors. The rules governing the selection and the qualification prescribed enabled the Anganwadi Workers with 10 years' experience and SSLC to compete for the 29% vacancies even if they are graduates and did not exclude them by the amendment. Here we have to specifically observe that **Jyoti K.K** held that in the wake of Rule 10(a)(ii) if the intention

was to recruit diplomates alone, either higher qualifications should have been specifically excluded or graduates, expressly prohibited from applying. As we held, the rule under the KS & SSR has no application and the Special Rules, relevant here, do not exclude graduates.

21. The decisions relied on by the party respondents in the written submissions do not at all apply. ***P.M. Latha v. State of Kerala***⁴ and ***Yogesh Kumar v. Government of NCT, Delhi***⁵ were with respect to selection of BEd. degree holders, while eligibility as per the advertisement was a Teachers' Training Certificate (TTC), on the premise that BEd. is the higher qualification. This Court set aside the selection finding that BEd. is not a higher qualification as also on the ground of deviating from the prescribed qualification. ***State of Punjab v. Anita***⁶ dealt with an advertisement, which invited applications from postgraduates, allegedly a higher qualification, but different and distinct from that statutorily prescribed. The appointments made were sought to be sustained on the ground of a Government Instruction providing for persons with higher qualification to be considered, if persons with the statutory qualification were not available. It was held that the Government Instruction in violation of the statutory rules was a nullity in law and in any event there was no attempt to first appoint the persons with the statutorily prescribed qualifications, the same having not even been indicated in the advertisement.

22. ***Sanjay Kumar v. Narinder Verma***⁷ was concerned with a selection to a post where the graduates and diplomates in Engineering were both invited to apply. The selection process also provided a common criterion of 80% marks for the eligibility qualification and 20% marks for *viva voce*. The Division Bench in a Letters Patent Appeal found that equating diplomates and graduates was improper since graduation was a higher qualification. This Court found that the rule made no distinction whatsoever between the degree holders and diploma holders at the stage of recruitment for the purpose of minimum qualification. Especially when the rules provided for the graduates a higher starting pay and a lesser service period for promotion to the higher post the specific contention was that the entire rules would be in disarray if the statutory prescription for carrying out a selection, applying a common criterion for diplomates and graduates is interfered with. This Court set aside the judgment in the LPA holding that "*What the executive did not think fit to do by prescription in the Rules, could not have been done by a judicial fiat*" (sic para 16). The dictum rather than aiding the contention of the party respondents helps the petitioners herein. The High Court in the impugned judgment interfered with the common source of Anganwadi Workers; SSLC holders with 10 years' experience, by providing a restriction in the 29% ratio to graduates, which as aptly termed is a *judicial fiat interfering with the rule prescription*.

23. In the present case the amendment only provided for a ratio of 11% to graduates exclusively which did not disable them from applying for the direct recruitment in the 29% available to Anganwadi Workers with 10 years' experience who holds SSLC; which the graduates already held. There can be no distinction found from amongst the graduates and the SSLC holders insofar as the nature of duties performed. The rule making authority, the State, was of the opinion that there should be an earmarked specific ratio for experienced graduates to enhance the efficiency of the cadre and the resultant services offered. The intention of the Government as coming out from the counter affidavit and a

⁴ (2003) 3 SCC 541

⁵ (2003) 3 SCC 548

⁶ (2015) 2 SCC 170

⁷ (2006) 6 SCC 467

plain reading of the amended rule does not bring forth any anomaly, but lucidly provides for 11% exclusive ratio for the graduates, while enabling them to compete along with SSLC holders, without any weightage in the 29% vacancies kept apart for the direct recruitment from Anganwadi Workers with 10 years' experience.

24. We have not considered the grounds of non-joinder or the ground raised of a delayed challenge to the selection. To put the record straight, we would only observe that with respect to the delay, the petitioners before the Tribunal could have always urged that they became aware of inclusion of the graduates only when the list was published; their interpretation of the notification and the rule, being always that 29% was exclusively for the SSLC holders when 11 % was specifically provided for graduates. However, on the aspect of non-joinder of parties, the High Court erred in observing that since some of the successful graduates were arrayed, there could be no such contention raised. We cannot accept that observation since even if the details of all the candidates were not available, when that of 10 candidates who were impleaded were known to the petitioners, they should have sought for their impleadment in a representative capacity by taking out a substituted service by publication. As we noticed, we make these observations only to put the record straight but do not find either way on these grounds since already on merits we have found against the petitioners before the Tribunal.

25. We allow the appeals and set aside the impugned judgment of the High Court, restoring that of the Tribunal. We also make it clear that the persons who are available in the merit list who could have been appointed to the vacancies reported and pending, before 31.11.2025, the date on which the validity of the list expired will be now appointed, however, without any claim for retrospective appointment or even notional service being claimed. We make this order only since this Court had passed an order of *status quo* on 19.12.2024 which prohibited the appointments thereafter till the validity of the list expired.

26. Pending applications, if any, shall stand disposed of.

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