



2026:AHC:200853

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 12563 of 2026

Kopal Bhartiya and 7 others

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Kranti Kiran Pandey
Counsel for Respondent(s)	: C.S.C., Mahendra Narain Singh

A.F.R.

Court No. - 6

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Sri Kranti Kiran Pandey, learned counsel for the petitioners, Sri Sanjay Kumar Om, learned counsel for the Commission and Sri Saurabh, learned Standing Counsel for the State-respondents.
2. In pursuance of the order dated 14.08.2026, a supplementary in personal affidavit has been filed, which is taken on record.
3. The present writ petition was filed by a candidate, whose candidature was rejected on the ground that he did not possess the requisite qualification for the post of Assistant Teacher (Male/Female) (Computer), for which the following qualification was prescribed in the advertisement:-

6.	Assistant Teacher (Male/Female) Computer	(1) B.Tech/B.E. (Computer Science) from a University/Deemed University/Institution established by law in India. Or Graduate in Computer Science
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		<i>or</i> <i>Graduate in Computer Application</i> <i>OR</i> <i>Graduation degree along with 'A' Level course from NIELIT</i> <i>OR</i> <i>B.Tech. (Graduation in Computer Science) and MCA (Post Graduation in Computer Science)</i> <i>(2) Degree of Graduation in Education (B.Ed.) in a course recognized by NCTE in India as preferential qualification.</i>
7	<i>Assistant Teacher</i> <i>(Male/Female)</i> <i>Urdu</i>	<i>(1) Graduation degree with Urdu as a subject from a University/Deemed University/Institution established by law in india</i> <i>(2) Degree of Graduation in Education (B.Ed.) in a course recognized by NCTE in India</i>
8	<i>Assistant Teacher</i> <i>(Male/Female)</i> <i>Biology</i>	<i>1) Graduation degree with Zoology and Botany as subjects from a University/Deemed University/Institution established by law in India.</i> <i>(2) Degree of Graduation in Education (B.Ed.) in a course recognized by NCTE in India.</i>

4. Placing reliance on a notification dated 06.10.2021, a contention was raised before this Court that, a concern regarding the difficulties being faced by the job-seekers, as well as the Government Organisations, in taking decisions regarding the recruitment of candidates for various posts, where the prescribed qualifications are in the field of Engineering and Technology, was sought to be addressed.

5. The contention of learned counsel for the petitioner is that B.Tech. (I.T.) should be treated as equivalent to B.Tech. (Computer Science), as the B.Tech. (I.T. Curriculum) contains substantial and direct academic study of Computer Applications, Programming, Database Systems, Software Engineering, Operating Systems, Computer Networking, Algorithm and allied computer disciplines; as such B.Tech (I.T.) should be treated equivalent to B.Tech. (Computer Science).

6. Sri Sanjay Kumar Om, Advocate appearing on behalf of the Commission, had submitted that whatever qualifications are prescribed, they are bound to follow the same and cannot deviate from the same, as that would directly affect transparency. In the event of any such deviation, candidates who may not have applied after considering the

qualifications prescribed in the advertisement, may be placed in an inequitable position.

7. However, though it was not within the domain of the Commission to decide the equivalence and extent of benefit thereof to the degrees which have not been prescribed by the State, it was submitted that the State Government, after having itself acknowledged the difficulty in the notification dated 06.10.2021, should come out with its stand on the equivalent degrees, which may be considered along with the qualifications prescribed.

8. The case of candidates who are possessing degrees other than those specified is to be dealt with by the Government, after convening a meeting of the Committee of Experts to decide the suitability, on the basis of the merits of each case and the job requirements of the concerned organisation.

9. In view of the aforesaid, this Court, vide its order dated 14.08.2026, required an affidavit from the Additional Chief Secretary (Secondary Education), Government of U.P., Lucknow (respondent No. 1), to place before this Court the policy decision regarding the treatment of various degrees as equivalent to the essential qualification prescribed.

10. As an interim measure, the petitioners were permitted to provisionally appear in the main examination, which was scheduled to be held on 16.08.2026. Though initially a personal affidavit was filed by respondent No. 1, wherein it was mentioned that, by an order dated 17.09.2021 passed in Writ Petition No. 656 of 2020 (Sri Vikas and 80 others Vs. State of U.P. and others), this Court had directed that equivalence, as mentioned in the subject matter, be determined; and, in compliance with the said order, an Inter-Departmental Committee was constituted by Government Order No. 441/15-2022 dated 26.04.2023, for clarifying equivalence in respect of educational qualifications.

11. Based on the recommendation of the aforesaid Committee, the Sixth Amendment, 2024, to the “Uttar Pradesh Subordinate Education (Trained Graduate Category) Service Rules” was promulgated vide notification dated 30.01.2025, after obtaining the approval of the Hon’ble Council of Ministers; and under the said amendment, equivalence in all subjects has been abolished.

12. It was further submitted that, in the advertisement also, the Commission did not stipulate consideration of any equivalent course. For ready reference, paragraphs 8 and 9 of the personal affidavit mentioned hereinabove are reproduced below:-

8. That it is submitted that for information that, under the Uttar Pradesh Subordinate Education (Trained Graduate Category) Service Rules (Sixth Amendment), 2024, the educational qualification prescribed for the post of Assistant Teacher (Computer) (Female/Male) is as follows:-

<i>SLNO.</i>	<i>Name of Post</i>	<i>Compulsory Eligibility</i>
<i>1</i>	<i>2</i>	<i>3</i>
18	Assistant Teacher (Male/Female) Computer.	(1) B.Tech/B.E. (in Computer Science) from a University/Deemed University/Institution established by law in India. Or Graduate in Computer Science. Or Graduation in Computer Application. Or Graduation degree along with A Level course from NIELIT Or B.Tech. (Graduation in Computer Science) and MCA (Post Graduation in Computer Science).

9. That similarly, keeping in view the fact that the study/teaching of Biology and Science are separate disciplines, the difficulties arising in teaching Biology prescribed as a component of the Science subject at the High School level in accordance with the educational qualifications prescribed for the Science subject, as well as the difficulties in teaching the portions of Chemistry and Physics prescribed under the Science subject in accordance with the educational qualifications prescribed for Biology, and also keeping in view the interests of the students and the quality of education, the educational qualifications for the post of Assistant Teacher (Biology) (Female/Male) have been prescribed as follows under the Uttar Pradesh Subordinate Education (Trained Graduate Category) Service Rules (Sixth Amendment), 2024.

<i>SLNO.</i>	<i>Name of Post</i>	<i>Compulsory Eligibility</i>
<i>1</i>	<i>2</i>	<i>3</i>
5	Assistant Teacher (Male/Female) Biology.	(1) Graduation degree with zoology and Botany as subjects from a University/Deemed University/Institution

		<i>established by law in India.</i> <i>(2) Degree of Graduation in Education (B.Ed.) in a course recognized by NCTE in India.</i>
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13. The notification dated 30.01.2025, issued in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, amending the Uttar Pradesh Subordinate Education (Trained Graduate Grade) Service Rules, 1983, has also been brought on record, which Rules may be called “The Uttar Pradesh Subordinate Education (Trained Graduate Grade) Service (Sixth Amendment) Rules, 2024”, wherein also, at Serial No. 18, the qualification has been prescribed, which has already been reproduced hereinabove.

14. This Court is constrained to hold that the law governing the area i.e. Rules, 2024, after having prescribed the qualifications and there being no stipulation for consideration of any equivalent subject, as desired by the petitioners in the present writ petition, now in exercise of power under Article 226 of the Constitution of India, this Court cannot sit as an Academic Expert for determining the equivalence of the educational qualification.

15. In view of the aforesaid, this Court does not find any further requirement to indulge in the matter, since the Rules, 2024, do not stipulate consideration of any equivalent subject, as desired by the petitioners in the present writ petition; and as such the petitioners do not have the eligibility prescribed in the advertisement for the post of Assistant Teacher, Trained Graduate Grade (Computer), pursuant to Advertisement No. A-5/E-1/2025, and accordingly, no relief can be granted. The present writ petition is accordingly, consigned to record.

(Siddharth Nandan,J.)

September, 23, 2026
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