2026 INSC 1089

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13460 OF 2026
(Arising out of Special Leave Petition (Civil) No. 35916 of 2026)
[Diary No. 11600 of 2025]

SANTOSH B. NAIK **... APPELLANT**

VERSUS

STATE OF GOA & ORS. **... RESPONDENTS**

J U D G M E N T

VIPUL M. PANCHOLI, J.

1. Delay condoned.

2. Leave granted.

3. The present appeal is directed against the judgment and order dated 11.01.2024 passed by the High Court of Bombay at Goa in Writ Petition No. 272 of 2023, whereby the High Court allowed the writ petition filed by Respondent No. 3 herein, quashed the Minutes of the Meeting dated 23.03.2023 issued by the

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Date: 2026.10.08 16:59:23 IST
Reason:

Departmental Selection Committee as well as the communication dated 12.04.2023, and directed the concerned authorities to consider the case of Respondent No. 3 for recruitment to the post of Vocational Instructor (Practical) in the trade of Plumber, in light of the marks secured by him in the written examination.

FACTUAL MATRIX

4. The brief facts of the case are as under:

4.1 Respondent No. 2 i.e., the Directorate of Skills Development and Entrepreneurship, Government of Goa, issued an advertisement dated 05.11.2021 inviting applications for various posts, including the post of Vocational Instructor (Practical) in the trade of Plumber. The Recruitment Rules governing the said post had been notified *vide* Official Gazette dated 20.04.2006 (*hereinafter referred to as the* "Recruitment Rules"). The qualifications prescribed for the post, as per the advertisement and the Recruitment Rules, were as under:

(a) Academic: Passed 10th standard under 10+2 system of education;

(b) Technical: Should possess National Trade/National Apprenticeship Certificate in the trade;

(c) Experience: Practical experience of not less than 5 years in the industry.

4.2 The Appellant herein applied for the said post under the unreserved category on 25.11.2021. Respondent No. 3 also applied for the same post. A written examination was conducted on 09.11.2022, in which Respondent No. 3 secured 96 marks, whereas the Appellant secured 94 marks. Thereafter, *vide* notice dated 08.03.2023, the candidates were called upon to produce documents pertaining to the essential qualifications and other criteria prescribed for the post, for the purpose of verification. The said notice specifically stipulated that selection on the basis of merit was subject to authentication of the requisite documents.

4.3 On 23.03.2023, the Departmental Selection Committee considered the eligibility of the candidates upon verification of their documents. The Committee found that

Respondent No. 3 did not possess the essential academic qualification of having passed 10th standard under the 10+2 system of education and, consequently, found him ineligible under the Recruitment Rules. The Appellant was found eligible and was accordingly placed in the Final Selection List. By Memorandum dated 24.03.2023, the Appellant was offered the post of Vocational Instructor (Practical) in the trade of Plumber, which was accepted by the Appellant by communication dated 27.03.2023.

4.4 Being aggrieved by the aforesaid decision, Respondent No. 3 preferred Writ Petition No. 272 of 2023 before the High Court of Bombay at Goa, contending, *inter alia*, that he possessed the requisite academic qualification by virtue of having passed the Secondary School Certificate Examination conducted by the National Institute of Open Schooling (*hereinafter referred to as the* "NIOS") in June, 2004, wherein he had cleared the subjects of English, Home Science, Science, Economics and Hindi. It was not in dispute that Respondent No. 3 possessed the requisite

technical qualification as well as the requisite experience. The controversy before the High Court was, therefore, confined to whether the qualification possessed by Respondent No. 3 satisfied the academic qualification prescribed under the Recruitment Rules and the advertisement.

4.5 The High Court, *vide* the impugned judgment dated 11.01.2024, accepted the case of Respondent No. 3, placing reliance upon the recognition accorded to the NIOS qualification and the material relied upon by Respondent No. 3. In that regard, the High Court held that a candidate who has passed the 10th standard through NIOS is required to be treated as possessing the academic qualification prescribed under the Recruitment Rules. The High Court accordingly quashed the minutes of the Departmental Selection Committee dated 23.03.2023 and the communication dated 12.04.2023, and directed the Respondent-authorities to consider Respondent No. 3 for

recruitment to the post in question in light of the marks obtained by him.

4.6 Aggrieved by the impugned judgment, the Appellant has preferred the present appeal.

SUBMISSIONS ON BEHALF OF THE APPELLANT

5. Mr. Shivan Dessai and Mr. Salvador Santosh Rebello, learned counsel appearing on behalf of the Appellant, while challenging the impugned judgment, have made the following submissions:

5.1 It is submitted that the High Court has failed to appreciate the precise language employed in the Recruitment Rules and the advertisement. It is submitted that the eligibility condition does not merely require a candidate to have passed the 10th standard, rather, it specifically requires the candidate to have passed the 10th standard "under 10+2 system of education". The said qualifying expression could not have been read out of the Rule by the High Court.

5.2 It is submitted that the expression "under 10+2 system of education" was deliberately incorporated by the employer,

having regard to the nature of the post in question. It is submitted that the post of Vocational Instructor (Practical) in the trade of Plumber falls within the Engineering Trade category and the employer was, therefore, entitled to prescribe a particular educational qualification as an essential qualification for the said post.

5.3 It is further submitted that the 10+2 system of education, as envisaged in the National Policy on Education, comprises a structured course of formal schooling in which Science and Mathematics are compulsory subjects, whereas Respondent No. 3 cleared English, Home Science, Science, Economics and Hindi through NIOS and did not study Mathematics. It is submitted that the employer, having regard to the technical nature of the post, deliberately referred to a system of education and not merely to a certificate of completion.

5.4 It is further submitted that the High Court, while placing reliance upon the general recognition accorded to NIOS qualifications, has, in effect, introduced a concept of

equivalence into the Recruitment Rules, even though the Rules themselves contain no provision treating the NIOS Secondary qualification as equivalent to the specific qualification prescribed for the post in question. It is submitted that the High Court, in exercise of the power of judicial review, could not have enlarged the scope of the eligibility condition or substituted its own view for that of the recruiting authority.

5.5 It is submitted that the employer's interpretation of its own Recruitment Rules deserves due weight, particularly where the Rules have been framed keeping in view the specific requirements of the post. In this regard, reliance is placed upon the earlier recruitment process undertaken in the year 2015 for the same post, wherein the Departmental Selection Committee, by its minutes dated 16.11.2015, found the Appellant himself not eligible during the course of interview, on the ground that he had passed the Secondary School Certificate Examination of the National Open School and, therefore, did not possess the

qualification of having passed 10th standard under the 10+2 system of education.

5.6 It is lastly submitted that the Departmental Selection Committee, upon verification of documents, had specifically examined the qualification possessed by Respondent No. 3 and had concluded that he did not satisfy the prescribed academic qualification. It is submitted that the question of merit in the written examination can arise for consideration only amongst candidates who satisfy the essential eligibility criteria, and not otherwise.

SUBMISSIONS ON BEHALF OF RESPONDENT NOS. 1 AND 2 (The State of Goa and The Directorate of Skills Development and Entrepreneurship, Government of Goa)

6. Ms. Shirin Khajuria, learned senior counsel appearing on behalf of Respondent Nos. 1 and 2, has made the following submissions:

6.1 It is submitted that the recruitment process for the post of Vocational Instructor (Practical) in the trade of Plumber was conducted strictly in accordance with the Recruitment

Rules and the prescribed procedure, including verification of the essential qualifications.

6.2 It is submitted that the essential academic qualification under the Rules was specifically "Passed 10th standard under 10+2 system of education", and that the said expression could not be treated as including every qualification recognised as equivalent to the 10th standard, particularly in the absence of any equivalence clause in the Rules.

6.3 It is further submitted that the '10+2 system of education' refers to the structured formal system comprising primary (5 years), middle (3 years) and high school (2 years) education, with compulsory subjects such as Mathematics, Science, English and Social Studies, whereas NIOS, being an open schooling model, does not mandate the study of such foundational subjects required for a technical post.

6.4 It is further submitted that upon verification of documents, it was found that Respondent No. 3 did not

possess the prescribed academic qualification and consequently, was not considered fit and eligible, whereas the Appellant was found to possess the requisite qualifications and was selected and offered appointment in accordance with the Rules.

6.5 It is further submitted that the Department had consistently applied the aforesaid interpretation of the Recruitment Rules, including the earlier recruitment process undertaken in 2015 for the same post, and that NIOS Secondary qualification had been treated as not satisfying the requirement of passing 10th standard under the 10+2 system of education.

6.6 Finally, the learned senior counsel submitted that the High Court had, in effect, read an equivalence provision into the Recruitment Rules and that the recognition of the NIOS certificate by the Goa Board could not override or modify the specific eligibility requirement prescribed under the Recruitment Rules for the post in question.

SUBMISSIONS ON BEHALF OF RESPONDENT NO. 3

7. Mr. Sangramsingh R. Bhonsle, learned counsel appearing on behalf of Respondent No. 3, while opposing the present appeal and supporting the impugned judgment, has made the following submissions:

7.1 It is submitted that Respondent No. 3 possessed all the essential qualifications prescribed for the post and had secured the highest marks i.e., 96 marks, in the written examination, as against 94 marks secured by the Appellant. It is further submitted that all his original documents, including the NIOS certificate, were produced for verification and no objection was raised by the Department at the time of such verification.

7.2 It is submitted that the Secondary School Certificate obtained by Respondent No. 3 from NIOS is a valid and recognised qualification and that NIOS was established by the Government of India to provide opportunities for persons unable to pursue conventional schooling to

continue their education and re-enter the mainstream of education.

7.3 The learned counsel further relied upon the notifications and communications issued by the Association of Indian Universities and the Ministry of Human Resource Development, particularly the communication dated 05.10.1993, to submit that the Secondary School Examination conducted by NIOS had been recognised as equivalent to the Class 10th examination conducted by recognised Boards and that such recognition was also applicable for the purpose of employment.

7.4 It is submitted that the expression "10+2 system of education" cannot be construed as restricting eligibility only to candidates who have undergone conventional or regular schooling. According to Respondent No. 3, neither the Recruitment Rules nor the advertisement expressly exclude qualifications obtained through recognised open-schooling institutions such as NIOS, and the High Court

had therefore correctly treated the NIOS qualification as satisfying the prescribed requirement.

7.5 Finally, the learned counsel submitted that Respondent No. 3 possessed the requisite technical qualifications and had also served as a Guest Lecturer for conducting the Plumber Trade course at the Government Industrial Training Institute, Pernem, from 18.03.2021 to 31.08.2022. It was therefore submitted that the NIOS qualification could not be a ground for excluding Respondent No. 3, and that the High Court had rightly directed his consideration for appointment in view of the marks secured by him.

ANALYSIS AND FINDINGS

8. Having heard learned counsel appearing for the parties at length and having carefully perused the material on record, it emerges that the relevant facts are not in dispute. It is not in dispute that Respondent No. 3 possesses a Secondary School Certificate obtained through NIOS. It is also not in dispute that Respondent No. 3 secured 96 marks in the written examination, whereas the

Appellant secured 94 marks. However, as noted above, selection on the basis of merit was subject to the candidate satisfying the essential eligibility criteria prescribed for the post. The question of comparative merit would, therefore, arise only after a candidate is found to satisfy the prescribed eligibility criteria.

9. The question which arises for our consideration is: *Whether a candidate possessing the Secondary School Certificate obtained through NIOS satisfies the specific requirement prescribed under the Recruitment Rules and the advertisement of having 'passed 10th standard under 10+2 system of education', for appointment to the post of Vocational Instructor (Practical) in the trade of Plumber?*

10. The answer to the question posed before us would depend upon the interpretation of the qualification prescribed under the Recruitment Rules and incorporated in the advertisement dated 05.11.2021. The relevant qualification reads: "Passed 10th standard under 10+2 system of education." The words employed in the said qualification assume significance.

11. It is well-settled that the qualifications prescribed by the recruiting authority for a particular post are required to be satisfied in the manner in which they have been prescribed. The Court, while exercising judicial review, ordinarily cannot add to or alter the essential qualifications prescribed under the Recruitment Rules. The question as to whether a qualification possessed by a candidate is equivalent to the qualification prescribed is ordinarily within the domain of the employer or the competent expert body. This principle has been reiterated by this Court in ***Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors.***,[1] ***Unnikrishnan C.V. & Ors. v. Union of India & Ors.***,[2] and ***Shifana P.S. v. State of Kerala & Ors***.[3]

12. At the same time, the qualification prescribed under the Recruitment Rules has to be understood in the context in which it occurs. The words used by the rule-making authority cannot be ignored. As observed by this Court in ***Reserve Bank of India***

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[1] (2019) 2 SCC 404

[2] (2023) 18 SCC 546

[3] (2024) 8 SCC 309

v. Peerless General Finance & Investment Co. Ltd.,[4] interpretation must depend upon the text as well as the context.

13. In the present case, the requirement is not merely that the candidate should have passed the 10th standard. The requirement is that the candidate should have "passed 10th standard under 10+2 system of education." In our considered view, the words "under 10+2 system of education" cannot be ignored. They form part of the qualification prescribed for the post and have to be given their due meaning.

14. The question, therefore, is not whether the Secondary School Certificate issued by NIOS is a recognised qualification in general. The question is whether such qualification satisfies the specific eligibility condition prescribed under the Recruitment Rules for the post in question. The distinction is significant as the Recruitment Rules do not contain any provision treating a qualification recognised as equivalent to the 10th standard as

[4] (1987) 1 SCC 424

satisfying the requirement of having passed 10th standard under the 10+2 system of education.

15. In ***Zahoor Ahmad Rather* (*supra*)**, this Court has held that the qualifications prescribed for a post have to be considered having regard to the duties and responsibilities attached to the post and that the Court cannot substitute its own view for that of the recruiting authority. Likewise, in ***Unnikrishnan C.V.* (*supra*)** and ***Shifana P.S.* (*supra*)**, this Court has reiterated that judicial review cannot be used to expand the prescribed eligibility conditions or to treat a qualification not prescribed under the Rules as equivalent to the prescribed qualification.

16. Further, in ***Maharashtra Public Service Commission v. Sandeep Shriram Warade***,[5] this Court held that the prescription of essential qualifications is within the domain of the employer and that the Court cannot substitute its own view where the language of the advertisement and the Rules is clear.

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[5] (2019) 6 SCC 362

17. The nature of the post is also relevant. The post in question is that of Vocational Instructor (Practical) in the trade of Plumber. The Recruitment Rules prescribe, apart from the academic qualification, a National Trade Certificate/National Apprenticeship Certificate in the relevant trade and practical experience in the industry. The qualifications prescribed under the Rules are, therefore, part of the eligibility framework for a technical teaching post and have to be considered in that context.

18. There is another circumstance which, in our view, is relevant. In the earlier recruitment process undertaken in the year 2015 for the same post, the Appellant himself had participated. By minutes dated 16.11.2015, the Departmental Selection Committee, during the course of the interview, found him not eligible for selection as he had passed the Secondary School examination of the National Open School and did not possess the essential qualification of having passed 10th standard under the 10+2 system. The interpretation placed by the Department in the present case was, therefore, not adopted for the first time.

19. The aforesaid circumstance is relevant for the limited purpose of showing the consistent interpretation placed by the employer upon the qualification prescribed for the same post. We are not treating the decision taken in the earlier recruitment process as a binding precedent. It nevertheless demonstrates that the Department had understood and applied the Recruitment Rules in the same manner on an earlier occasion.

20. The reliance placed upon the recognition of the NIOS qualification by the Goa Board or other educational authorities also cannot, in our view, alter the position. Such recognition may establish the acceptability of the qualification for the purposes for which it is granted. It cannot, by itself, amend or enlarge the eligibility condition prescribed under the Recruitment Rules for appointment to a particular post.

21. We also cannot accept that the higher marks secured by Respondent No. 3 can have any bearing on the issue of eligibility. Comparative merit can be considered only amongst candidates who satisfy the prescribed eligibility conditions. The marks secured in the written examination cannot cure the absence of

an essential qualification prescribed under the Recruitment Rules.

22. From the aforesaid discussion, it can be said that the Recruitment Rules prescribe a specific academic qualification and that the words "under 10+2 system of education" form an integral part thereof. In the absence of any provision under the Rules treating the NIOS Secondary School Certificate as satisfying the said requirement, such qualification cannot be treated as fulfilling the essential academic qualification prescribed for the post in question.

23. Therefore, we are of the considered view that the Departmental Selection Committee, upon verification of the documents, rightly found Respondent No. 3 not eligible for the post on account of non-fulfilment of the prescribed academic qualification. The said decision was in accordance with the Recruitment Rules and, therefore, did not warrant interference by the High Court.

24. It is clarified that the conclusion recorded hereinabove is confined to the Recruitment Rules applicable to the post in question and the advertisement dated 05.11.2021. We express

no opinion with regard to the validity, recognition or equivalence of NIOS qualifications for any other purpose or under any other set of Recruitment Rules.

CONCLUSION

25. For the aforesaid reasons, we are of the view that the High Court has committed a grave error in allowing Writ Petition No. 272 of 2023 and in directing the authorities to treat Respondent No. 3 as eligible for the post of Vocational Instructor (Practical) in the trade of Plumber. Accordingly, the impugned judgment and order dated 11.01.2024 cannot be sustained in law.

26. In view of the above, we hold and direct as under:

26.1 The impugned judgment and order dated 11.01.2024 passed by the High Court of Bombay at Goa in Writ Petition No. 272 of 2023 is set aside.

26.2 Consequently, the appointment of Respondent No. 3 made pursuant thereto *vide* Memorandum dated 19.02.2024 and final appointment order dated 11.06.2024 also stand set aside.

26.3 The decision of the Departmental Selection Committee dated 23.03.2023, whereby Respondent No. 3 was found not to possess the essential academic qualification prescribed under the Recruitment Rules and the Appellant came to be selected, stands restored.

26.4 Consequently, the temporary appointment of the Appellant pursuant to the aforesaid selection and the Memorandum dated 24.03.2023 stands restored, subject to the applicable terms and conditions of service.

27. For the aforesaid reasons, the present appeal is allowed.

28. Pending application(s), if any, shall stand disposed of.

.....J.
[ARAVIND KUMAR]

.....J.
[VIPUL M. PANCHOLI]

NEW DELHI
OCTOBER 06, 2026