Reserved On : 29/04/2026
Pronounced On : 08/05/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 1164 of 2025
In R/SPECIAL CIVIL APPLICATION/8036/2025

With

CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/LETTERS PATENT APPEAL NO. 1164 of 2025

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JAYSHRIKUMARI ISHVARBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:
IG JOSHI(8726) for the Appellant(s) No. 1
MS. KRISHNA DESAI, AGP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**
and
HONOURABLE MR.JUSTICE J. L. ODEDRA

CAV JUDGMENT
(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

[1] The appellant herein had made an application for being recruited as Shikshan Sahayak (Assistant Teacher) in the subject of Sociology. The appellant had applied under the reserved category of Scheduled Tribe.

[2] On consideration of all the applications that had been received, a merit list was published, in respect of the aforementioned post, for both the government schools as well as for the Government-aided schools. In these lists, the appellant

was placed at serial No.34 and serial No.31 respectively. In the last week of March 2025, the appellant was called for document verification, which the appellant attended and submitted her documents.

[3] The respondents, on verification of the documents of the all the candidates including that of the appellant, proceeded to submit a list of rejected candidates. In this list of rejected candidates, the name of the appellant was found.

[4] The reason for the rejection, which is not in dispute, is that the appellant, though possessed a degree in Sociology, did not have a Masters degree in Sociology, even though she had satisfied all other requirements. The appellant submitted a representation against the rejection, but the same was not acceded to. Consequently, she approached this Court by filing a writ petition.

[5] The learned Single Judge, on consideration of the contentions advanced by the appellant, came to the conclusion that the requirement of the recruitment rule was that the appellant should possess a Masters degree in Sociology, and it was not sufficient for her to possess only a graduate degree in Sociology. Since, admittedly, the appellant had only a Masters degree in Arts in Education, she did not satisfy the eligibility requirements, the learned Single Judge proceeded to dismiss the writ petition.

[6] As a consequence, the appellant is in appeal.

[7] The recruitment to the post of Shikshan Sahayak (Assistant Teacher) is prescribed under the rules framed by the Government of Gujarat in exercise of the powers conferred by the proviso to Article 309 of the Constitution, and which are titled as Government Higher Secondary Teacher, Class III, Procedure for Selection Rules, 2019 (hereinafter referred to as "the Rules").

[8] Rule 4 of the said Rules stipulates that a selection committee shall select persons for appointment to the posts from amongst the persons who are qualified to be appointed in accordance with the provisions of the said rules.

[9] Under Rule 5 of the said Rules, the selection committee is required to invite applications, scrutinize them, and recommend the names of candidates for being appointed.

[10] Rule 7 of the said Rules prescribes the eligibility criteria. The first condition relates to the age of the candidate, with which we are not concerned in this writ petition. The second condition, with which we are concerned, is as follows:-

> *"(b) possess the minimum educational qualification of Master's Degree as specified in column 4 and 5 against each of the subject specified in Appendix-l, and a Bachelor's degree in Education or Shixa Visarad (GUJARAT VIDYAPITH) or D.B.Ed or G.B.T.C as specified in column 6 or 7 against each of the subject specified in Appendix-l obtained from any of the Universities or Institutions established or incorporated by an Act of Parliament or a State Legislature in India or any other Educational institution recognised as such or declared to be deemed as a University under section 3 of the University Grants Commission Act, 1956;"*

[11] The qualifications prescribed are at Appendix-I in respect of Sociology and read as follows:-

"Appendix-I

[See rule 7 (b) and (c)]

Educational Qualification required for each subject for Recruitment of Government Higher Secondary Teacher, Class-III.

Sr. No.	*SUBJECT*	*EDUCATIONAL QUALIFICATION IN UNDER GRATUATION IN SPECIALIZATION SUBJECT'*	*MINIMUM EDUCATION QUALIFICATION AND SUBJECT IN POST GRATUATION*		*MINIMUM PROFESSIONAL QUALIFICATION (B.Ed/SHIXA VISARAD (GUJARAT VIDYAPITH)/ D.B.Ed/G.B.T.C.)*		*M.Ed/ SHIXA PARANGAT (GUJARAT VIDYAPITH.) (if Possesses)*	*SUBJECT OF TEACHERS APPTITUDE TEST (HIGHER SECONDARY).*
			QUALIFICATION	*SUBJECT*	*METHOD-1*	*METHOD-2*		
(1)	*(2)*	*(3)*	*(4)*	*(5)*	*(6)*	*(7)*	*(8)*	*(9)*
1	*---*	*---*	*---*	*---*	*---*	*---*	*---*	*---*
12	*SOCIOLOGY*	*B.A. (SOCIOLOGY)*	*MA*	*SOCIOLOGY*	*ANY ONE SUBJECT*	*Anyone subject except method-1 mentioned in column (5).*	*M.Ed/ SHIXA PARANGAT*	*SOCIOLOGY*
13	*---*	*---*	*---*	*---*	*---*	*---*	*---*	*---*

[12] As could be seen from the said Appendix, the educational qualification, insofar as the undergraduate level is concerned, for the subject of Sociology, is that the candidate must possess a B.A. in Sociology.

[13] The minimum educational qualification and subject prescribed in postgraduation, for the post of Sociology is M.A., and the subject in which the M.A. is required to be secured is Sociology. On a plain reading of this Appendix, it is clear that in

order to be appointed as a Shikshan Sahayak, in the subject of Sociology, the candidate should have an undergraduate degree of B.A. in Sociology and a postgraduate degree of M.A. in the subject of Sociology.

[14] It is not in dispute that the appellant possesses only the undergraduate degree of B.A. in Sociology but does not possess an M.A. in Sociology but, as stated above, possesses only M.A. in Education.

[15] The argument of the learned counsel Mr. I. G. Joshi for the appellant is essentially that in respect of the undergraduate degree, it is specifically stated as B.A. in Sociology, whereas in respect of the postgraduate qualification, a distinction is made that it could be M.A., and so long as one of the subjects is Sociology, the candidate would be qualified.

[16] In our view, such a reading of the rule would be improper and cannot be accepted. It stands to logic that if the Government wants to appoint a teacher for the subject of Sociology, that teacher should have an undergraduate degree in Sociology and also a postgraduate degree in Sociology. This is basically because they would want the selected candidate to be an academic expert in Sociology, which would greatly assist and aid the students who wish to learn the subject of Sociology.

[17] It is settled law that it is not for the candidate or for any other entity to determine the educational requirement for as teaching post. As to what are the exact educational qualifications required for a post which requires a teacher to impart education should obviously be left entirely to the discretion of the employer, and a prospective candidate cannot contend that the educational qualification that he or she possesses meets the criteria prescribed or that it would suffice and be accepted.

[18] Learned counsel for the appellant thereafter sought to put forth an argument that, as a matter of fact, there was no such course as M.A. in Sociology at all, and therefore this requirement will have to be read down to mean that it also brings within its purview candidates who had an M.A. in which one of the subjects was Sociology. Mr. Joshi, learned counsel seeks to place reliance on the fact that in the M.A. that the appellant had secured, had a subject called "Sociological Foundation of Education," and this subject was essentially a Sociology subject and therefore, the degree that the appellant possessed was adequate.

[19] In light of the argument advanced by learned counsel for the appellant that no other university had offered a course M.A. Sociology, the State was directed to file an affidavit in response to this assertion.

[20] A further affidavit of the appellant was also filed, in which it was asserted that at the Indian Institute of Teacher Education, Gandhinagar, no Masters degree in Sociology was offered. It was also asserted that there was no college in the district of Navsari which offered a Masters course in Sociology. Thus, the entire premise of the appellant's argument gravitated to the assertion that there was no course of M.A. in Sociology offered, either in at the Indian Institute of Teacher Education, Gandhinagar (from where she obtained an M.A. Education) or for that matter in the entire District of Navsari.

[21] A reply to this further affidavit was filed by the Assistant Director, Commissioner of Schools, in which it was clearly stated that there was indeed a course of M.A. in Sociology being offered at Gujarat University as well as Veer Narmad South Gujarat University. It was pointed out that the appellant had, in fact, secured her B.A. in Sociology from Veer Narmad South Gujarat University, and therefore it was obvious that she was very well aware that an M.A. in Sociology course was available for pursuing in the very university from which she had graduated. It was therefore contended that the assertion that no such course was offered was incorrect.

[22] In response, the appellant contended that at Veer Narmad South Gujarat University, this course was introduced only in 2019, and she had obtained her Master's degree in 2017. It was therefore contended that at the time of her securing a

postgraduate degree, there was no such course available.

[23] This argument of learned counsel had to be rejected in its entirety. It is noted here that the appellant does not deny the fact that Gujarat University did, in fact, offer a course in M.A. in Sociology, and it is thus clear that the argument that no such course was offered by any university is palpably false. If there are universities which offer an M.A. in Sociology, this by itself, presupposes that the employer, i.e., the State, was aware of the availability of holders of M.A. in Sociology and those persons would be the most suited persons to impart education to Sociology students. As stated earlier, it is for the employer to decide which educational qualifications are appropriate for the job of teaching Sociology, that was on offer, and it is not for an aspiring candidate to insist that the qualification that he or she possesses be considered as adequate.

[24] In this view of the matter, the argument of learned counsel for the appellant does not merit consideration.

[25] However, learned counsel for the appellant sought to place reliance on the judgment rendered by the Hon'ble Supreme Court in the case of ***Laxmikant Sharma versus State of Madhya Pradesh and others*** reported in ***2025 SCC OnLine SC 2712***. In that case, the Hon'ble Supreme Court was dealing with a matter in which the facts were as under:-

> *"31. It is not disputed that the advertisement prescribed as the minimum academic qualification a "Postgraduate degree in Statistics from a Government recognised University with at least 60% marks or equivalent grade." The appellant asserted that he had pursued M.Com. with Business Statistics and Indian Economic Statistics as principal subjects and that this satisfies the academic qualification requirement of the post. The appellant further assured, which is not disputed by the respondents, that no Government university in Madhya Pradesh offers a postgraduate course titled "M.Com (Statistics)" or any standalone PG programme exclusively titled "Statistics"."*

[26] It is in this context that the Hon'ble Supreme Court held that insisting solely on the title of the degree, without considering the actual curriculum, was incorrect. The Hon'ble Supreme Court, in the very said decision, has held that *"the question as to whether a particular qualification is equivalent to the one prescribed is primarily for the employer or the expert body to decide, and the Courts, while exercising the power of judicial review, should not sit in appeal over such determination."* A judgment rendered in the context, that there was no such course offered in a particular State in relation to a subject which was demanded in the notification, would be wholly inapplicable to the present case when there is indisputably Universities which have offered MA in Sociology.

[27] The learned counsel for the appellant also sought to place reliance on the judgment of a coordinate Division Bench of this Court rendered in ***Letters Patent Appeal No.183 of 2022, decided on 22.08.2024,*** to contend that this Court had accepted that if there was a Master's degree in Industrial

Chemistry with a graduation degree in respect of Chemistry, the same would satisfy the requirement. It is to be stated here that, in that case, the State had, in fact, admitted that there could not be a postgraduate degree in Chemistry alone and a candidate would have to opt for a specialized subject in Chemistry, and the candidate therein had secured a Masters Degree in Industrial Chemistry. In the present case, the State has categorically taken up the contention and filed an affidavit in support of it, contending that there was indeed a course offered in M.A. Sociology by two universities in Gujarat, and therefore the said judgment can be of no avail.

[28] Reliance was also placed on another Division Bench judgment in ***Letters Patent Appeal No.554 of 2023, decided on 31.07.2023***, in which the decision in *Dulla Aarti Dilipbhai and others versus State of Gujarat being Special Civil Application No.12740 of 2017 and allied matters,* was relied upon. The facts therein were that only in the year 2018, the subject of Statistics was provided to be the main subject required in the graduation and post-graduation level, and therefore this requirement of having those qualifications could not be made applicable, retrospectively. In this case, as already stated above, there was a course in M.A. Sociology offered at the time the appellant pursued her Masters degree and therefore the said decision can be of no avail.

[29] The reliance placed on by the learned counsel for the appellant on a decision rendered in ***Special Civil Application No.11119 of 2017, decided on 28.07.2025***, which is stated to have been affirmed by the Division Bench, cannot also be made applicable because that was a case in which the contention advanced was that the candidate therein had possessed a Master's degree in Environmental Science and therefore was ineligible to be given weightage. This Court, in the said decision, noticed that as a matter of fact, a Master of Science degree was granted to the candidate therein, and that too specifically in the subject of Environmental Science, and therefore such a Master's degree would have to be construed as a Master's degree in Science. Obviously that is not the position in the present case.

[30] In light of the above, it is clear that none of the contentions advanced by the appellant possess any merit.

[31] The Learned Single Judge has by the impugned order has also come to the conclusion that the notification and the Rule specifically required candidates to possess a Masters Degree in Sociology and since the appellant did not admittedly possess the said Mastrs Degree she was no qualified to be considered for appointment to the post of Shiksak Sahayak in Sociology. The reasoning of the learned Single Judge cannot be found fault with and the same concurs with our reasoning as well. The appeal is therefore dismissed.

[32] Interim relief, granted earlier, stands vacated forthwith.

[33] All pending applications stand consigned to records.

(N.S.SANJAY GOWDA, J.)

(J. L. ODEDRA, J.)

DHARMENDRA KUMAR

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: KUMAR DHARMENDRA(HC01071), GOV, at High Court of Gujarat on 08/05/2026 18:05:05