



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2025

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR JUSTICE T.M.NADAF

REVIEW PETITION NO. 217 OF 2025

BETWEEN:

PRASHANT KUMAR SONI,
S/O KAILASH CHANDRA SONI,
AGED ABOUT 40 YEARS,
R/O N R POST OFFICE, BHILAI 3,
DURG, CHHATTISGARH - 490 021.

...PETITIONER

(BY SRI. KARTIKEYA KHANNA, ADVOCATE)

AND:

1. UNION OF INDIA,
MINISTRY OF RAILWAY
THROUGH ITS SECRETARY,
NEW DELHI - 110 001.
2. RAILWAY RECRUITMENT BOARD,
THROUGH ITS CHAIRMAN,
NO.18, MILLERS ROAD,
BANGALORE - 560 046.

...RESPONDENTS

(BY SRI. PRAMOD B, CGC)

THIS REVIEW PETITION FILED UNDER SECTION.114 R/W ORDER 47 RULE 1 OF CPC 1908, PRAYING TO ALLOW THE PRESENT REVIEW PETITION SEEKING REVIEW OF THE JUDGMENT AND ORDER DATED 08.12.2023 PASSED BY THIS HONBLE COURT IN WRIT PETITION NO.48027/2017.





THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner is before this Court under Order XLVII Rule 1(b) of CPC with a prayer to review order dated 08.12.2023 in WP No.48027/2017, whereunder the writ petition of the Respondent-Union questioning the direction to consider his candidature for the post of Assistant Loco Pilot is allowed.

2. Heard learned counsel Sri. Kartikeya Khanna for petitioner and learned counsel Sri. B.Pramod for respondents. Perused the entire review petition papers.

3. The respondent-railway authorities were before this Court challenging the order dated 16.06.2017 in O.A No.1264/2015 whereby the petitioner's O.A. was allowed directing the respondent-railways to consider his case for appointment as a Assistant Loco Pilot. This Court under impugned order dated 08.12.2023 in WP No.48027/2017



allowed the writ petition of the respondents holding that employer is the best Judge to decide the required qualification with a further observation that it is settled law that an employer cannot be compelled to appoint technical staff on the ground that the qualification could be equivalent to the one prescribed by the employer. Against the said order dated 08.12.2023 in WP No.48027/2017, the petitioner filed Special Leave Petition No.3399/2024 before the Hon'ble Apex Court. The Hon'ble Apex Court by its order dated 04.12.2024 disposed of the SLP with liberty to the petitioner to file review petition before this Court with further observation that grant of liberty to the petitioner to apply for review cannot be construed to mean that the High Court is bound to entertain the review petition.

4. Learned counsel for the petitioner would submit that while passing the impugned order, the Bench failed to consider the fact that the University Grants Commission had recognized the degree/diploma/certificate awarded by the open university and as such the qualification acquired by the petitioner from Yashwantrao Chavan Open University/



Maharashtra Open University is to be treated as equivalent to the qualification prescribed for the post of Assistant Loco Pilot and he ought to have been selected and appointed to the said post. Learned counsel would submit that the Tribunal has rightly appreciated the position and had rightly allowed the application. Further, learned counsel would also submit that Maharashtra State Board of Technical Education also declared the qualification acquired by the petitioner that is "Diploma in Communication Engineering" as equivalent to "Diploma in Electronics and Communication". Thus, he prays for allowing the review petition.

5. *Per-contra*, learned counsel Sri. Pramod.B submits that the prescribed qualification for the post of Assistant Loco Pilot as prescribed under Cadre and Recruitment Rules as indicated in the Employment Notice No.01/2007 dated 21.07.2007. Learned counsel would submit that diploma in Communication Engineering is not the prescribed qualification for the post of Assistant Loco Pilot. Further, he would also clarify that the equivalent qualification is not prescribed for that particular Technical post. As such, the petitioner would not



possess qualification for the post of Assistant Loco Pilot. Therefore, he submits that, rightly the writ petition of the respondent was allowed and there is no error apparent on the face of the record to review the order. Hence, he prays for dismissal of the review petition.

6. This petition is filed under Order XLVII Rule 1 (b) of code of civil procedure with a prayer to review the order dated 08.12.2023 in Writ Petition No.48027/2017. Review is permissible if the petitioner is able to point out any error apparent on the face of the record or any question of law which was not considered by the Court. In the instant case, the petitioner has failed to point out any error apparent on the face of the record. Learned counsel for the petitioner submits that the present review is filed as the Hon'ble Apex Court granted liberty to file review petition. While granting liberty to the petitioner to file review, the Hon'ble Apex Court has made it clear that grant of liberty to the petitioner to apply for review cannot be construed to mean that the High Court is bound to entertain the review petition.



7. While disposing of the SLP, a submission was made before the Hon'ble Apex Court that the communication dated 02.11.2004 issued by the University Grants Commission to the Registrar of Yashwant Rao Chavan, Maharashtra Open University, Nashik has not been taken into consideration. As such, the petitioner was granted liberty to file review petition. It is settled position of law that one should possess the prescribed qualification to be eligible to consider his case for a particular post. Further, it is the prerogative of the employer to prescribe qualification and also to indicate the equivalent qualification. In the instant case, the notification inviting application insofar as the post of Assistant Loco Pilot would not indicate prescription of equivalent qualification. The qualification of Diploma in Communication Engineering possessed by the petitioner is not a prescribed qualification under the notification inviting application. Therefore, the petitioner cannot claim that the qualification possessed by him to be treated as equivalent qualification.

8. The communication dated 02.11.2004 (Annexure-P1) communication of the University Grants



Commission to treat the degree/diploma/certificate awarded by the Open University in conformity with UGC notification would not help or assist the petitioner's case, since the petitioner would not possess the prescribed qualification.

9. After hearing the learned counsel for the parties, in our considered opinion, the order neither suffers from any jurisdictional infirmity nor any error apparent on the face of the record warranting review in exercise of review jurisdiction. Accordingly, review petition stands rejected.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

VS
List No.: 1 SI No.: 11
CT: BHK