



2026 INSC 444

REPORTABLE

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

CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 32964 OF 2025

**RAJASTHAN PUBLIC SERVICE
COMMISSION** **...APPELLANT(S)**

VERSUS

LAVANSHU SANKHLA & ORS. **...RESPONDENT(S)**

WITH CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 33900 OF 2025

WITH CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 33945 OF 2025

WITH CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 33908 OF 2025

WITH CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 34897 OF 2025

WITH CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 34899 OF 2025

WITH CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 38211 OF 2025

AND WITH CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 38710 OF 2025

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NEETU KHOSLA
Date: 2026.05.04
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Reason:

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. We have heard learned counsel appearing on behalf of the parties.
3. The issue that falls for our consideration is whether the relevant date for acquiring the minimum essential qualification is the date of submission of the application pursuant to the advertisement, or any time prior to the commencement of the interview process.
4. The present appeals have been filed by the Rajasthan Public Service Commission, Ajmer¹ assailing the common judgment dated 12th August, 2025, passed by the Division Bench of the High Court of Judicature for Rajasthan at Jodhpur² in intra-court appeals³, whereby the judgment dated 15th January, 2025, passed by the learned Single Judge in S.B. Civil Writ Petition No. 20295 of 2024 and connected matters⁴ was affirmed. By the said judgment, the learned Single Judge had allowed the writ petitions filed by

¹ Hereinafter, referred to as “appellant-RPSC”.

² Hereinafter, referred to as “High Court”.

³ D.B. Spl. Appl. Writ Nos. 169 of 2025, 130 of 2025, 135 of 2025, 244 of 2025, 279 of 2025, 631 of 2025, 789 of 2025 and 823 of 2025.

⁴ S.B. Civil Writ Petition Nos. 75 of 2025, 20456 of 2024, 20541 of 2024, 20580 of 2024, 20586 of 2024, 20598 of 2024 and 20611 of 2024.

the respondents herein and directed the appellant-RPSC to issue admit cards to the writ petitioners (private respondents herein) and permit them to appear in the preliminary examination.

5. The brief facts, to the extent necessary for the disposal of the present appeals, are set out hereinbelow: –

6. The private respondents herein were the writ petitioners before the High Court and were recent law graduates at the time of institution of the writ petitions.

7. On 7th March, 2024, the appellant-Rajasthan Public Service Commission issued an advertisement inviting applications for 181 posts of Assistant Prosecution Officer. The relevant extract of the said advertisement providing the essential educational qualification is reproduced hereinbelow: -

“Rajasthan Public Service Commission, Ajmer

Advertisement **No.: 19/Exam/ A.P.O./ Prosecution Deptt./ EP-I/ 2023-24**

Date: 07.03.2024

Online applications are invited by the Commission for recruitment to a total of 181 posts of **Assistant Prosecution Officer** for **Home Department (Prosecution)** under Rajasthan Prosecution Subordinate Service Rules, 1978 for non-scheduled area and under the Rajasthan Scheduled Areas Subordinate, Ministerial and Class-IV Service (Recruitment and other Service Conditions) Rules, 2014 for scheduled area. ...

...

Essential Educational Qualification:

(1) Degree in Law (Professional) or integrated Law Course from a University established by law in India.

(2) Working Knowledge of Hindi written in Devnagri Script and knowledge of Rajasthani dialects and social customs of Rajasthan.”

8. Pursuant thereto, the respondents submitted their online application forms. It is an admitted position that, as on the date of submission of the applications, the respondents had not acquired their degree and were yet to appear in the final year examination.

9. By a press note dated 19th November, 2024, issued by the appellant–Rajasthan Public Service Commission, the preliminary examination for the subject post was scheduled to be held on 19th January, 2025. It was further clarified therein that candidates who did not possess the prescribed qualifications or requisite experience for the said post were required to withdraw their applications, failing which they would be liable to be disqualified. Being germane to the controversy, the relevant extract is reproduced hereinbelow:

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**“RAJASTHAN PUBLIC SERVICE COMMISSION,
AJMER**

- :PRESS NOTE: -

Date: 19.11.2024

Rajasthan Public Service Commission, Ajmer the Commission proposes to conduct the Assistant Prosecution Officer Home Department (Prosecution) Competitive (Preliminary) Examination, 2024 on 19.01.2025.

...

Also, candidates who have applied online despite not possessing the educational qualification/experience as per the advertisement, action can be taken against such candidates under Section 217 of the Bhartiya Nyaya Sanhita and to debar them from the upcoming recruitment examination of the Commission. Therefore, such candidates can also withdraw their online application form by logging on to the SSO Portal from 20.11.2024 to 26.11.2024, selecting the Recruitment Portal and clicking on the Withdraw Button available in front of the concerned examination under My Recruitment Section. ...”

(emphasis supplied)

10. Subsequently, by another press note dated 29th November, 2024, the appellant-RPSC clarified that under the Rajasthan Prosecution Subordinate Service Rules, 1978, candidates who were appearing in the final year of the prescribed educational qualification, or who had not acquired the requisite qualification as on the date of the selection examination, were not eligible to participate in the selection process. The relevant extract of the said press note is reproduced hereinbelow: -

**“RAJASTHAN PUBLIC SERVICE COMMISSION,
AJMER**

- :PRESS NOTE: -

Date: 29.11.2024

Advertisement number 19/2023-24 dated 07.03.2024 was issued by the Commission for recruitment to a total of 181 posts of Assistant Prosecution Officer for Home (Prosecution) Department under Rajasthan Prosecution Subordinate Service Rules, 1978. ...

...

In the said service rules, there is no provision for the candidates who are/have already acquired the educational qualification till the date of examination and are appearing in the final year of educational qualification.

In the sequence of the said recruitment notification, it is clarified again that only those candidates who have acquired the educational qualification till the last date of application will be considered eligible under this recruitment. Therefore, those candidates who do not have the educational qualification till the last date of application, should withdraw their online application form from 30.11.2024 to 09.12.2024 at 12:00 PM. After the said date, the link will automatically become Inactive. ...”

(emphasis supplied)

11. Admittedly, the respondents did not possess an LL.B. degree as on the last date for submission of online applications, as they were yet to appear in the final examination of their course. They subsequently acquired the requisite qualification on 22nd August, 2024.

12. Aggrieved thereby, the respondents approached the High Court by filing writ petitions seeking a direction to the appellant-RPSC to permit them to participate in the selection process for the subject post.

13. By judgment dated 15th January, 2025, the learned Single Judge allowed the writ petitions and directed the appellant-RPSC to issue admit cards to the writ petitioners and permit them to appear in the preliminary examination scheduled for 19th January, 2025.

14. Aggrieved thereby, the appellant preferred intra-court appeals before the High Court. The Division Bench, by judgment dated 12th August, 2025, dismissed the said appeals and affirmed the decision of the learned Single Judge.

15. The appellant–RPSC is, thus, before us.

16. At the outset, we are unable to concur with the reasoning adopted by the High Court in arriving at its conclusion. In order to appreciate the controversy in its proper perspective, it is necessary to advert to the reasoning recorded by the courts below while allowing the writ petitions, which may be summarised as follows: -

- i. That the advertisement and guidelines issued by the appellant–RPSC permitted candidates who were in the final year of the qualifying examination to apply, subject to their acquiring the requisite qualification by the date of the examination.
- ii. That the writ petitioners had acquired the requisite qualification on 22nd August, 2024, well before the date of the preliminary examination, i.e., 19th January, 2025.
- iii. That Clause 7 of the advertisement indicated that the prescribed educational qualification or experience could be acquired by the last date of application, the date of examination, or the date of interview.

- iv. That the press notes dated 19th November, 2024 and 29th November, 2024 altered the eligibility conditions mid-process, thereby causing prejudice to candidates who had acted on the basis of the original advertisement.
- v. That where two interpretations are possible, the one favouring the candidates ought to be preferred, as it enlarges the pool of eligible candidates and promotes fair competition.

17. It is pertinent to note that the essential educational qualification prescribed under the subject advertisement requires a candidate to possess a Degree in Law (Professional) or an integrated Law degree from a university established by law in India. Further, the seventh clause under the heading “Very Important Points/Notes” in the advertisement clearly stipulates that applications shall initially be provisionally admitted to the recruitment process, subject to verification, and that the candidature of any applicant is liable to be cancelled upon detection of ineligibility on account of age, educational qualification, or other prescribed conditions.

18. A conjoint reading of the advertisement and the governing rules makes it evident that the relevant date for determining eligibility, including educational qualification, is the date of submission of the application. This is for the

reason that the eligibility of a candidate is assessed on the basis of the particulars and documents furnished at the time of application, and there is no provision for subsequent supplementation or re-submission of such documents at a later stage.

19. It would be apposite, at this stage, to refer to the Rajasthan Prosecution Subordinate Service Rules, 1978. Rule 12 thereof deals with the “Academic Qualification” prescribed for the post in question. Notably, the said Rule earlier contained a proviso granting exemption to candidates who had appeared or were appearing in the final year examination of the course constituting the requisite educational qualification for direct recruitment under the Rules. Being relevant to the controversy at hand, Rule 12 is reproduced hereinbelow: -

“12. Academic qualification:- A candidate for direct recruitment to the posts enumerated in Schedule-1, shall possess,-

(i) the qualification and experience given in column 4 of the Schedule-I; and

(ii) working knowledge of Hindi written in Devnagari script and knowledge of Rajasthani dialects and social customs of Rajasthan.

Provided that the person who has appeared or is appearing in the final year examination of the course which is the requisite educational qualification for the post as mentioned in the rules or schedule for direct recruitment, shall be eligible to apply for the post but he/she shall have to submit proof of having acquired the requisite educational qualification to the appropriate selection agency. ...”

(emphasis supplied)

20. However, it is pertinent to note that the aforesaid proviso to Rule 12, which granted relaxation to candidates appearing in the final year of the qualifying examination, came to be deleted by a notification dated 10th October, 2002 issued by respondent No. 2-State. The legislative intent underlying such deletion is clear and unambiguous, namely, that candidates who have not acquired the requisite educational qualification as on the relevant date are not eligible to apply for the post in question.

21. The maxim “*aliquid prohibetur ex directo, prohibetur et per obliquum*”, what cannot be done directly cannot be permitted to be done indirectly, squarely applies to the present case. The said principle embodies the rule that what is expressly prohibited by law cannot be circumvented through indirect means. The requirement in the advertisement that a candidate must “possess” a Degree in Law (Professional) or an integrated Law degree from a recognised university necessarily excludes those candidates who are yet to acquire such qualification or who may acquire it at a future date.

22. This position stands further clarified by the press note dated 29th November, 2024, which reiterates that under the Rajasthan Prosecution Subordinate Service Rules, 1978, there is no provision permitting candidates who are either

appearing in the final year of the prescribed qualification or who acquire the qualification by the date of examination to participate in the selection process.

23. We are also unable to concur with the reasoning of the High Court that, where two interpretations of the guidelines are possible, the one favourable to the candidates ought to be adopted. Such an approach, based on considerations of enlarging the pool of candidates or promoting competition, cannot be invoked when the language of the advertisement admits of only one clear and unambiguous interpretation. The prescribed eligibility condition unequivocally requires possession of the degree at the relevant point of time.

24. Even otherwise, acceptance of the respondents' contention, that candidates who acquire the qualification at any stage prior to the interview should be treated as eligible, would introduce uncertainty into the selection process and impose an unwarranted administrative burden upon the appellant-RPSC in tracking subsequent acquisitions of qualifications.

25. In our considered view, the press note dated 29th November, 2024 is in complete consonance with the Rajasthan Prosecution Subordinate Service Rules, 1978 and the advertisement dated 7th March, 2024, and merely clarifies the position that eligibility must be determined with reference to the date of submission of the application.

26. In view of the foregoing discussion, the common judgment dated 12th August, 2025, passed in D.B. Special Appeal Writ No. 169 of 2025 and connected matters⁵, is hereby set aside.

27. Consequently, the present appeals are allowed.

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

.....**J.**
[VIKRAM NATH]

.....**J.**
[SANDEEP MEHTA]

NEW DELHI
MAY 04, 2026

⁵ D.B. Special Appeal Writ No. 130 of 2025, 135 of 2025, 244 of 2025, 279 of 2025, 631 of 2025, 789 of 2025 and 823 of 2025.