



2024:DHC:1845



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 05.03.2024

+ W.P.(C) 3251/2024 & CM APPL. 13398/2024

SHASI KANT Petitioner

versus

UNION OF INDIA THROUGH THE SECRETARY MINISTRY
OF TRIBAL AFFAIRS & ORS. Respondents

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+ W.P.(C) 3253/2024 & CM APPL. 13405/2024

NAND LAL DAHARIYA Petitioner

UNION OF INDIA & ORS. Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Pragyan Sharma, Ms. Sitwat Nabi,
Mr. Hardik Vashisht, Ms. Simran
Khurana, Ms. Riyal Suryawanshi, Mr.
Vinayak Sonkar and Mr. Hardik Jain,
Advocates.

For the Respondents : Mr. Avinash Singh, Senior Panel
Counsel for UOI with Mr. Anirudh
Shukla, GP for R-1 and R-2 along with
Mr. Vinod Patil and Mr. Vinay Kumar
Singh for Department in W.P.(C)
3251/2024.
Mr. Raj Kumar, Senior Panel Counsel
for UOI with Mr. Anirudh Shukla, GP
for R-1 and R-2 along with Mr. Piyush



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and Mr. Vinay Kumar Singh in
W.P.(C) 3253/2024.

Mr. Abhishek Pandey, Advocate for
R-4 in both the matters.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. After some arguments, learned counsel for the respondents submits that though at the pre-interview stage, the documents of the petitioners were scrutinized and the petitioners were not found qualified according to the essential experience that was required and as such, the petitioners' interview was refused, however, he fairly submits that the same was not in written.

2. According to Mr. Sharma, learned counsel for the petitioners, the qualification according to the Recruitment Rules, which are at page 50 for the posts of Principal, are enumerated in Column 7 of the Recruitment Rules at page No. 50, which are as under :-

S. No.	Details	Recruitment Rules
7.	Educational and other qualification required for direct recruits	Essential Qualification: A. Academic: i) Masters Degree from recognized university/institute ii) B.Ed. degree. B. Experience: Persons having 12 years of combined experience as Vice Principal/PGT/TGT with minimum 4 years as PGT and above DESIRABLE: 1. Experience of working in a fully

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By: VINOD KUMAR
Signing Date: 06.03.2024
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		residential school. 2. Proficiency in English, Hindi and Regional Language. 3. Working knowledge of computers.
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3. Mr. Sharma, learned counsel for the petitioner refers to page No. 21 of the writ petition, wherein the detailed educational qualification along with the requisite experience required for the posts of Principal, as advertised by the respondents in the EMRS had been clearly mentioned.

4. According to Mr. Sharma, the petitioners have been working as a TGT/PGT for a period not less than 16 years and 10 months up to the present day.

5. According to Mr. Sharma, column 7 as mentioned above, prescribes experience of persons having 12 years of combined experience as Vice Principal/PGT/TGT with minimum 4 years of PGT and above. He submits that the PGT/TGT experience of the petitioner as per the State of Chhattisgarh is 16 years and 10 months, which would be a valid essential qualification.

6. Mr. Sharma, learned counsel submits that the petitioner is in any case serving in the EMRS School at Chhattisgarh on the PGT Scale from the last 11 years 9 months.

7. In view of the above, Mr. Sharma, learned counsel submits that the petitioners according to Column No.7 of the Recruitment Rules, have the requisite experience to be considered for their interview for the post of Principal.

8. Learned counsel for the respondent refutes the submissions made



by Mr. Sharma, and submits that there is no document placed on record to indicate the experience of 12 years as Vice Principal/ TGT/PGT with minimum 4 years as PGT and above.

9. Mr. Sharma disputes the submissions and submits that the petitioner is already serving as PGT in EMRS at Taregaon, District Kabirdham, Chhattisgarh, which had been issued by the very same respondents and the experience certificate placed on record is also issued by the very same respondent.

10. Learned counsel for the respondent submits that though the first phase of the interviews is over, however, the second phase of the said interviews for the post of Principal shall commence within a month.

11. In view of the aforesaid statement, Mr. Pragyan Sharma, learned counsel for the petitioners submits that he would be satisfied in case, the present petition is treated as a representation to be disposed of in accordance with law by the Competent Authority of the respondent, within stipulated time.

12. In view of the above contentions of the parties, the present writ petition be treated as a representation by the Competent Authority of the respondent, who may after giving a hearing and an opportunity to place on record all requisite documents dispose of the same and pass a speaking order within a period of ten working days from today.

13. The copy of the speaking order be furnished to the petitioner forthwith, as soon as the order is passed.

14. This Court has not made any observations on the merits of the matter. The contentions of the parties are left open.

15. The order passed herein is in the peculiar facts arising in the



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present cases and shall not be treated as a precedent for any other case.

16. In view of the aforesaid direction, the present petitions along with pending applications are disposed of.

TUSHAR RAO GEDELA, J.

MARCH 5, 2024/nd