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

+ **LPA 494/2024 with CM APPLs. 35200-203/2024**

VEDANSH SANJAY PATHAK

..... Appellant

Through: Dr. Manish Singhvi, Sr. Advocate
with Ms. Mrinal Elker Mazumdar,
Mr. D.S. Parmar, Mr. Divyansh
Singh, Mr. Saurabh Singh and
Ms. Shubhangi Agarwal, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Shubhra Parashar, Mr. Virender
Pratap Singh Charak and Mr. Amal
Shukla, Advocates for R-1/UOI.
Mr. Sanjay Hegde, Sr. Advocate with
Mr. Amartya A. Sharan, Advocate for
R-2 (NESTS)

8.

+ **LPA 496/2024 with CM APPLs. 35209-212/2024**

NEELESH TIWARI & ORS.

..... Appellants

Through: Dr. Manish Singhvi, Sr. Advocate
with Ms. Mrinal Elker Mazumdar,
Mr. D.S. Parmar, Mr. Divyansh
Singh, Mr. Saurabh Singh and
Ms. Shubhangi Agarwal, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Shubhra Parashar, Mr. Virender
Pratap Singh Charak and Mr. Amal
Shukla, Advocates for R-1/UOI.
Mr. Sanjay Hegde, Sr. Advocate with
Mr. Amartya A. Sharan, Advocate for
R-2 (NESTS).



9.

+ **LPA 497/2024 with CM APPLs. 35213-216/2024**

RAHUL DUBEY & ORS.

..... Appellant

Through: Dr. Manish Singhvi, Sr. Advocate
with Ms. Mrinal Elker Mazumdar,
Mr. D.S. Parmar, Mr. Divyansh
Singh, Mr. Saurabh Singh and
Ms. Shubhangi Agarwal, Advocates.

versus

UNION OF INDIA THROUGH MINISTRY OF TRIBAL
AFFAIRS & ANR.

..... Respondents

Through: Ms. Shubhra Parashar, Mr. Virender
Pratap Singh Charak and Mr. Amal
Shukla, Advocates for R-1/UOI.
Mr. Sanjay Hegde, Sr. Advocate with
Mr. Amartya A. Sharan, Advocate for
R-2 (NESTS).

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

07.06.2024

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LPA 494/2024

LPA 496/2024

LPA 497/2024

1. The present Letters Patent Appeal have been filed challenging the impugned orders dated 15.05.2024 in CM Appl. No. 29152/2024 in WP(C) 5484/2024, CM Appl. No. 29148/2024 in WP(C) 2901/2024 and CM Appl. No. 29156/2024 in WP(C) 5544/2024, respectively passed by the learned Single Judge whereby the prayer of the appellant to either issue the joining letter or reserve 60 posts of Trained Graduate Teachers ('TGT'), and Post



Graduate Teachers ('PGT') for the appellants pursuant to the selection process conducted as per the advertisement issued in June-July, 2023, was dismissed.

2. Learned counsel for the appellant submits that some of the writ petitioners filed an LPA 489/2024 and in the said LPA, the Co-ordinate Bench of this Court vide a detailed order dated 31.05.2024 inter alia has directed the respondent to either keep sufficient number of posts unfilled to accommodate all the 60 appellants till the final disposal of the writ petitions pending before the learned Single Judge or alternatively include a condition in the appointment letter of an equal number of candidates informing that their appointment would be subject to the outcome of the writ petitions. Learned Senior Counsel submits that on the basis of facts, the appellants may also be protected.

3. Issue notice.

4. Ms. Shubhra Parashar, Advocate accepts notice on behalf of the respondent No. 1/ UOI and Mr. Amartya A. Sharan, Advocate accepts notice on behalf of the respondent No. 2/ NESTS.

5. Learned Senior Counsel for the respondent No. 2 submits that the order dated 31.05.2024 has posed extreme administrative difficulties and it will disturb the entire selection process. Learned Sr. Counsel submits that they have already filed the review of order dated 31.05.2024. It has also been submitted by learned Senior Counsel that in fact, the appointment letters have already been issued before 31.05.2024 and passing any order by this Court would only complicate the procedure and increase the litigation.

6. Learned Senior Counsel for the petitioner has disputed the averments regarding the issuance of appointment letters before 31.05.2024.



7. We consider that since the Co-ordinate Bench of this Court after considering the matter has passed the order dated 31.05.2024, which inter alia reads as under:

“6. Having considered the submissions of learned counsel for the parties and perused the record, specially taking into account that the respondents themselves permitted the appellants to appear in the selection process, we are of the view that grave prejudice will be caused to the appellants, if their interest is not protected. We, therefore, dispose of the present appeal alongwith all pending applications by directing the respondents to either keep sufficient number of posts unfilled to accommodate all the 60 appellants before us till the final disposal of their W.P.(C) 2824/2024 pending before the learned Single Judge or alternatively include a condition in the appointment letter of an equal number of candidates informing them that their appointment would be subject to the outcome of the writ petition. This information will be specifically communicated to the sixty candidates whose appointment will be made subject to the outcome of the writ petition being W.P.(C) 2824/2024.”

8. Without going into the merit of the cases and on the basis of the parity, the respondents are directed to either keep sufficient number of posts unfilled to accommodate all the 60 appellants before this Court till the final disposal of the writ petitions being WP(C) 5484/202, WP(C) 2901/2024 and WP(C) 5544/2024 pending before the learned Single Judge or alternatively



include a condition in the appointment letter of an equal number of candidates informing that their appointment would be subject to the outcome of the writ petitions.

9. Accordingly, the LPAs stand disposed of. Pending applications also stand disposed of.

DINESH KUMAR SHARMA, J
(VACATION JUDGE)

VIKAS MAHAJAN, J
(VACATION JUDGE)

JUNE 7, 2024/PB