



\$~99

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

+ **W.P.(C) 10979/2024**

RAM NARAYAN JAISWAL

.....Petitioner

Through: Mr. Shashank Singh and Mr. Alok Singh, Advocates

versus

UNION OF INDIA AND ANR

.....Respondents

Through: Mr. Himanshu Pathak, Senior Panel Counsel with Mr. Amit Singh, Advocate and Mr. Vedansh Anand, Government Pleader for R-1.
Mr. Amartya Ashish Sharan, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.08.2024

%

CM APPL. 45292/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 10979/2024 and CM APPL. 45293/2024

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following relief:

“A. Issue A Writ Of Mandamus Directing The Respondents To Conduct Interview Of The Petitioner For The Post Of Principal In The Eklavya Model Residential schools Respondent Institution Considering His 7 Year Teaching Experience Of Master Gazetted As Pgt Along With Previous Teaching Experience.”

4. It is stated in the petition that National Education Society for Tribal Students (‘NESTS’) invited online applications in 2023 for recruitment on direct basis for filling up several posts including the post of Principal, which



is the subject matter of this writ petition. 81 vacancies were notified for the post of Principal in the OBC category, in which the Petitioner applied on 29.07.2023. On 14.12.2023, Petitioner received the admit card and appeared in the written examination on 16.12.2023. Being successful, Petitioner was shortlisted for interview amongst a total of 971 candidates. On 07.02.2024, Petitioner received an email from NESTS calling for an interview scheduled on 17.02.2024. On 17.02.2024, Rashtriya Military School, Chail, Shimla Hills, H.P. issued an experience certificate certifying that Petitioner was a permanent employee of RIMC as PGT (Computer Science) since 05.07.2016 in Pay Level-10.

5. It is further averred that on 17.02.2024, Petitioner reported for the interview and during document verification he was asked to produce the experience certificate. However, an objection was raised to the designation 'Master Gazetted' mentioned in the certificate instead of PGT. Petitioner clarified that PGTs working in other schools and Master Gazetted working in Rashtriya Military Schools have the same qualification and teach senior secondary classes. Due to insistence that the nomenclature PGT was important, Petitioner produced the experience certificate with the required nomenclature also on 19.02.2024 and sought permission to appear in the interview. However, he was not permitted to do so. Aggrieved with this, Petitioner has filed the present petition urging that Petitioner has been working as Master Gazetted teacher in the Rashtriya Military School which is equivalent to PGT in status, qualifications, responsibilities and nature of duties. Pay Scale of Master Gazetted teacher is equivalent to that of a Vice-Principal and yet the Petitioner was not permitted to participate in the interview.



6. Issue notice.
7. Learned counsels as above accept notice on behalf of the Respondents and submit that it is not for this Court to determine the equivalence of posts and the qualifications required in the advertisement cannot be changed to suit the Petitioner.
8. Having heard the counsels for the parties, I am of the considered opinion that the issue with regard to equivalence of posts can only be decided by the employer and/or expert bodies. It is, therefore, appropriate at this stage to direct Respondent No.2 to treat the present petition as a representation and decide the same within one week from today. Respondent No.2 will take a considered decision on the issue flagged by the Petitioner i.e., alleged equivalence between the post of PGT in various schools and the post of Master Gazetted teacher in Rashtriya Military School as brought forth by the Petitioner. The decision shall be communicated to the Petitioner within one week thereafter and needless to state shall be a reasoned and speaking order. Liberty is granted to the Petitioner to take recourse to legal remedies in case of any surviving grievance.
9. Petition along with the pending application stands disposed of.

JYOTI SINGH, J

AUGUST 08, 2024/kks/DU