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

+ **W.P.(C) 16498/2024**

**SHABEER T**

.....Petitioner

Through: Mr. Mohit Siwach and Ms. Khyati  
Goel, Advocates.

versus

**UNION OF INDIA AND ORS**

.....Respondents

Through: Ms. Gauri Goburdhun, Sr. Panel  
Counsel for UOI/R-1.

Mr. Amartya Ashish Sharan and Mr. Akash  
Kishore, Advocates for NESTS/R-2.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

**29.11.2024**

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**C.M. APPL. 69725/2024**

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

**W.P.(C) 16498/2024 & C.M. APPL. 69724/2024**

3. This writ petition has been preferred on behalf of the Petitioner under Articles 226/227 of the Constitution of India seeking directions to the Respondents to declare him eligible and issue appointment-cum-posting order as also to quash the communication dated 24.06.2024 whereby candidature of the Petitioner for the post of TGT (Social Studies) has not been considered.



4. Facts to the extent necessary are that National Education Society for Tribal Students ('NESTS'), an autonomous organisation under the Ministry of Tribal Affairs published Eklavya Model Residential School Recruitment Rules, 2023 (EMRS Rules) on 02.06.2023 for regulating method of recruitment in respect of teaching and non-teaching posts. Notification was thereafter issued on 19.07.2023 for filling up 6329 vacancies of teaching and non-teaching posts including the post of TGT (Social Studies). Chapter IV of the Notification prescribed the eligibility criteria and qualifications for all the posts.

5. Petitioner is a holder of various degrees such as Bachelor of Arts and Bachelor of Education and considering himself eligible under the advertisement, he applied for the post of TGT (Social Studies) through an online Application No. 23900197025. Written examination was conducted by NESTS on 23.12.2023 in which the Petitioner appeared and the result was declared on 22.01.2024 by publishing the roll numbers of the selected candidates. Petitioner had applied under the OBC-NCL category and qualified the examination in the said category. After declaration of the result, all successful candidates were called for document verification vide Notification dated 02.02.2024.

6. Petitioner avers that a provisional offer of appointment to the post of TGT (Social Studies) was issued to him on 02.03.2024 and by an e-mail dated 26.03.2024, he was asked to submit certain documents and while the Petitioner had already submitted these documents, he re-submitted the same. By a subsequent communication dated 24.06.2024, NESTS cancelled the candidature of the Petitioner on the ground that he did not fulfil the required minimum educational qualifications for the post and was thus ineligible.



Having illegally cancelled the candidature, NESTS through another communication dated 05.07.2024 gave another opportunity to the Petitioner to prove his educational qualification and was asked to report at Delhi on 10.07.2024, which the Petitioner did and again submitted the documents asked for. Not having heard anything thereafter, Petitioner has approached this Court.

7. Issue notice.

8. Counsels, as above, accept notice on behalf of the respective Respondents.

9. Learned counsel for Respondent No. 2 appearing on advance copy of the writ petition seeks and is granted four weeks, on instructions, from NESTS, to look into the matter and take a decision.

10. Learned counsel for the Petitioner urges that the Petitioner had qualified the written examination and on being successful, provisional letter of appointment was issued to him *albeit* it was subject to document verification. Petitioner had submitted all requisite documents including those relating to educational qualifications not once but three times. Having once cancelled the candidature, NESTS had again called upon the Petitioner to submit the requisite documents, which he did but till date the fate of his selection is not known, which is an unfair act on the part of NESTS. Minimum essential qualification for the post of TGT (Social Studies), as mentioned in the advertisement were: (i) candidate should have studied any of the two subjects out of the following subject combination at graduation level: (a) History with Geography/Economics/Political Science OR (b) Geography with History/Economics/Political Science (in other words candidates should have studied any two subjects out of History, Geography,



Economics and Political Science, in which one must be either History or Geography); (ii) History/Geography as above should have been studied for all three years in the Graduation; (iii) In case if Honours Degree in History the candidate should have studied Geography/Economics/ Political Science in any of the two years of the course. Similarly in case of Honours degree in Geography, the candidate should have studied History/Economics Political Science in any of the two years of the course. Candidates with B.A. (Honours) in Economics or Political Science are not eligible for the post of TGT (Social Studies). And (for all TGTs) (B) Passed the Central Teacher Eligibility Test (CTET) conducted by CBSE in accordance with the guidelines framed by the NCTE for the purpose. (C) B.Ed. Degree and Petitioner is qualified for the post of TGT (Social Studies) as he holds Bachelor of Arts and Bachelor of Education degrees.

11. Having heard the counsels for the parties and considering that NESTS has not passed any order or sent any communication to the Petitioner after he was given an opportunity on 05.07.2024 to prove his educational qualifications and was asked to report at Delhi on 10.07.2024, it would be appropriate at this stage to dispose of this writ petition with a direction to NESTS to treat this petition as a representation and look into the issues flagged by the Petitioner including his submission that he fulfils the minimum educational qualification criteria for appointment to the post of TGT (Social Studies). Decision shall be taken by NESTS within four weeks from the date of receipt of this order.

12. Needless to state, if the Petitioner is found to be qualified, NESTS shall proceed to issue an offer of appointment. However, if the decision is otherwise, a reasoned and speaking order shall be passed and communicated



to the Petitioner within one week from the date of the decision and the Petitioner will be at liberty to take recourse to legal remedies, if so advised.

13. Writ petition along with pending application stands disposed of.

**JYOTI SINGH, J**

**NOVEMBER 29, 2024/shivam**