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

+ **W.P.(C) 17323/2024 and CM APPL.73768/2024**

SONAM SINGH

.....Petitioner

Through: Mr. Sudhindra Tripathi and Ms. Preeti
Tripathi, Advocates.

versus

UNION OF INDIA

THROUGH ITS SECRETARY & ORS.

.....Respondents

Through: Mr. Amartya A. Saran, Advocate for
Respondent No.2 & 3/NESTS.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.12.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India laying a challenge to the impugned order dated 25.06.2024 passed by the National Education Society for Tribal Students ('NESTS'), whereby candidature of the Petitioner was not considered for appointment to the post of Hostel Warden (Female) in Eklavya Model Residential School as also for a writ of mandamus to appoint the Petitioner to the said post.

2. Facts to the extent necessary are that pursuant to an advertisement notified on 29.06.2023 for filling up certain posts including Hostel Warden (Female), Petitioner applied on 14.10.2023. Admit card was issued to the Petitioner and she appeared in the written examination conducted on



17.12.2023. Petitioner was shortlisted for appearing for document verification, for which she appeared on 02.02.2024. Provisional offer of appointment was issued on 02.03.2024 for the post of Hostel Warden (Female). While the Petitioner was waiting and anticipating that she would be appointed since she has received offer of appointment, she received the impugned order dated 25.06.2024, whereby she was informed that her candidature will not be considered as No Objection Certificate was not furnished by her from the Central Industrial Security Force ('CISF') where she was working at the time of application. Petitioner filed a writ petition being Writ-A No.8112/2024 before the Allahabad High Court which was, however, dismissed as withdrawn for lack of territorial jurisdiction on 20.09.2024, whereafter the Petitioner has approached this Court.

3. Petitioner has taken a categorical stand in the writ petition that the Respondents have erred in treating the Petitioner as a member of the CISF inasmuch as she had not completed three years in the said service. Petitioner was appointed to the post of Constable in CISF but her services were terminated during the probation period itself in the month of September 2023 when she had not even completed one year. There is no mismatch in the service record for the reason that Petitioner had not completed three years period and as such rightly filled 'No' in the form in column where she was to disclose the services where she had completed three years period.

4. Learned counsel for Respondents No.2 and 3/NESTS, on instructions, states that despite the fact that the stand taken by Petitioner which is that she had been discharged within the probation period itself, NESTS will not insist on No Objection Certificate, however, for the sake of completeness and correctness of record, Petitioner be directed to furnish a fresh Bio-data.



He further submits that Respondents will not have no objection in issuing the appointment letter. However, all remaining formalities from the stage of document verification, antecedents verification and medical fitness etc. are required to be completed before a final appointment letter is issued.

5. Heard counsel for the parties and examined their submissions.

6. Considering that NESTS has no objection in issuing appointment letter and as the Petitioner has been able to make out a case that she was not a serving employee of CISF more particularly at the time when she applied, this Court is of the view that there is no impediment in her being appointed.

7. Accordingly, this writ petition is partially allowed to the extent of directing NESTS to issue an appointment-cum-posting letter to the Petitioner subject to her clearing all other formalities which include document verification, antecedents verification and medical fitness etc. The entire exercise will be completed within eight weeks from today. Needless to state that if the Petitioner clears clear of all the formalities, the appointment letter will be issued to her with consequential benefits as per law.

8. Pending application also stands disposed of.

JYOTI SINGH, J

DECEMBER 24, 2024

B.S. Rohella