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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1457/2025, CM APPL. 7088/2025 & CM APPL.
7089/2025

SHABEER T

.....Petitioner

Through: Mr. Mohit Siwach, Advocate.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Gauri Goburdhun, Sr. Panel
Counsel for UOI.

Mr. Amartya Ashish Sharan,
Advocate for NESTS.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.02.2025

1. Issue notice. Mr. Amartya Ashish Sharan, learned counsel, accepts notice on behalf of the National Education Society for Tribal Students ["NESTS"]. Ms. Gauri Goburdhun, learned Senior Panel Counsel accepts notice on behalf of the Union of India.
2. The petitioner applied for appointment to the post of Trained Graduate Teacher ["TGT"] (Social Studies) pursuant to an advertisement issued by respondent No 2-NESTS in the year 2023.
3. The eligibility criteria for the said post admittedly included the following qualifications:

“(e) For TGT (Social Studies):

(i) The 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 of 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.)”

[Emphasis supplied.]

4. The petitioner was selected on the basis of a written examination and called for document verification. By an e-mail dated 24.06.2024, he was informed that he does not possess the required educational qualifications which make him eligible for the post of TGT (Social Studies).

5. Against this order, he approached this Court in W.P.(C) 16498/2024. The writ petition was disposed of on 29.11.2024, with a direction upon NESTS to treat the petitioner’s writ petition as a representation, and to look into the petitioner’s contention that he fulfils the minimum educational qualification criteria. In the event of adverse assessment, NESTS was directed to pass “*a reasoned and speaking order*”, against which the petitioner’s remedy was reserved.

6. Pursuant to this order, NESTS has passed an order dated 23.12.2024. After setting out the eligibility criteria, the order reads as follows:

“It is stated that Sh. Shabeer T after being selected on basis of result of written exam was called for document verification. During the document verification it was noted that he possesses Degree of B.A.



in West Asian Studies and has not studied History/Geography in all three years in graduation and does not fulfil other combination of subjects required as per Notification/ advertisement issued by NESTS.

On direction of the Hon'ble Court, the documents submitted by Sh. Shabeer T. were re-examined. He has not provided any document at the time of document verification or later on vide which he would exhibit that he possesses the Essential Educational Qualification, Under extant law as declared by the Hon'ble Apex Court, the provisions of the Notification/ advertisement specifying the essential experience are to be construed strictly in order to avoid change of rules in the middle of the recruitment process.

Therefore, Mr. Shabeer T's application has been duly processed in accordance with the notification/ advertisement dated 18.08.2023 and the settled legal position that essential experience as stipulated in the notification/ advertisement must be construed strictly.

For all the above reasons, NESTS has not considered his candidature for the post of TGT (Social Studies)."

[Emphasis supplied.]

7. The petitioner's B.A. degree from the University of Calicut ["University"] was admittedly in West Asian Studies. The details of the papers which he studied in each of the six semesters of his B.A. degree are enumerated in a consolidated grade card issued by the University [part of Annexure A-8 of the writ petition]. He has also placed before the Court, a certificate issued by the University on 14.11.2024 which enumerates at least one course in each semester as a History course. It also enumerates two courses (one each, in the 5th and 6th semesters) as Political Science courses.

8. As against this, the impugned order of NESTS dated 23.12.2024 proceeds on the basis that the petitioner had not studied History/Geography in all three years in graduation, and that he does not fulfil the other qualifications as required in terms of the notification.

9. Taking the second aspect first, it is clear that the petitioner studied



Political Science only in the 5th and 6th semesters, i.e., in one year of his B.A. course. Although it appears *prima facie* that he would not satisfy condition (iii) of the eligibility criteria, Mr. Sharan states upon instructions that the said condition only applies to a candidate who holds an Honours degree. Mr. Sharan, therefore, does not press the second aspect of the impugned order, *viz.* that the petitioner did not fulfil the other combination of subjects required under the notification.

10. Before turning to the other aspects, it may be noted that if this is so, the impugned order dated 23.12.2024 is clearly obfuscatory and imprecise. At least when a candidate has approached the Court and a statutory authority has been directed to consider a matter afresh and to pass a reasoned and speaking order, it is expected that the order passed would be well considered. The grounds articulated in this case are, even according to the authority, not in consonance with the notification. In other words, an order passed pursuant to an order of the Court, contains grounds which the authority itself says are incorrect. This is not a satisfactory manner of administrative decision making, and certainly inadequate when it comes to compliance with the orders of the Court.

11. Turning now to the question of whether the petitioner has studied History or Geography in all three years in graduation, the petitioner has placed before the respondent a certificate dated 14.11.2024 which lists the following papers as History courses:

<i>SI No.</i>	<i>Name of Paper</i>	<i>Semester</i>
<i>01.</i>	<i>Methodology and Perspectives of Social Sciences</i>	<i>1</i>
<i>02.</i>	<i>Introduction to West Asia</i>	<i>2</i>



03.	<i>History of Ancient Civilizations</i>	3
04.	<i>Ancient Indian Culture</i>	4
05.	<i>History of Caliphats</i>	4
06.	<i>Social and Cultural History of Mediaeval India</i>	5
07.	<i>Trends and Movements in Modern Age</i>	5
08.	<i>History of Indoarab Relation</i>	5
09.	<i>State System in west Asia</i>	6
10.	<i>Growth of National Movement in India</i>	6
11.	<i>Selected Themes in Historiography</i>	6
12.	<i>History of Medieval Kerala</i>	6
13.	<i>Course work - Local History/ Indo-West Asian Relations (Cultural, Economic and Political).</i>	6

12. The impugned order dated 23.12.2024 does not reveal any reasons for the contrary view taken by NESTS. The statement that the petitioner has not studied History/Geography in all three years of graduation is a recitation of the respondent's conclusion, and does not give any insight into the grounds upon which the conclusion was reached. Particularly when the Court has directed a speaking and reasoned order to be passed, I am constrained to observe again that the respondent has failed to comply with the order in the correct perspective.

13. Mr. Sharan clearly states that NESTS has not examined any material with regard to the contents of the courses to disregard the University's certification, but has proceeded only on the basis that the courses, "*Methodology and Perspectives of Social Sciences*" and "*Introduction to West Asian Studies*", are not History courses.

14. At his request, a further opportunity is given to the respondents to reconsider the matter comprehensively, bearing in mind the eligibility criteria in the perspective of the post for which the petitioner has applied,



and the courses which he had studied as a part of his B.A. degree.

15. The impugned order dated 23.12.2024 is set aside, and the matter is remanded to the respondent for proper compliance of the order dated 29.11.2024 in W.P.(C) 16498/2024. If the respondent requires any further clarification from the University with regard to the syllabus or the course content, it may approach the University for the same.

16. The respondents are directed to pass a further order within a period of six weeks from today.

17. As directed in the order dated 29.11.2024, if the petitioner is found to be qualified, an offer of appointment shall be issued to him.

PRATEEK JALAN, J

FEBRUARY 6, 2025/MR/AL/