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

+ W.P.(C) 1477/2025 and CM APPL. 15098/2025

EKTA JAISWAL

.....Petitioner

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

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Gagan Kumar, Senior Panel
Counsel for R-1.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.03.2025

1. The petitioner applied for the post of PGT (Commerce) in the Eklavya Model Residential Schools ["EMRS"], pursuant to an advertisement issued by respondent no. 2/National Education Society for Tribal Students ["NESTS"] for EMRS Staff Selection Exam 2023. The petitioner participated in an examination for the said post and was shortlisted. She was called for document verification on 19.02.2024, and was issued a provisional offer of appointment on 02.03.2024.

2. The petitioner's grievance in the writ petition is that the respondents have since taken the view that the petitioner cannot be considered for the said post on account of a criminal case pending against her. When she informed the respondents about the pendency of the criminal proceedings, they issued a communication dated 21.06.2024



stating that her candidature could not be considered at present, and she was directed to submit a Clearance Certificate within two months, failing which her candidature would be treated as cancelled.

3. Mr. Mohit Siwach, learned counsel for the petitioner, submits that the pending criminal case arises out of a First Information Report lodged by her brother (FIR No. 4/2023 in P.S. Kotwali), emanating from a property dispute within the family. Although she was not named in the FIR, Mr. Siwach states that she has been named in the chargesheet. She has approached the Allahabad High Court for quashing of the criminal proceedings (Application u/s 482 No.42316/2023), in which the High Court has passed an order dated 04.04.2024, restraining coercive proceedings against her. Mr. Siwach submits that in the facts and circumstances of the case, the pendency of the said criminal proceedings, which may take a long while to conclude, ought not to be treated as an impediment to her ability to earn a livelihood.

4. Having regard to the fact that the respondents do not appear to have taken a final decision, the petitioner is permitted to make a comprehensive representation to NESTS within 10 days from today, enclosing therewith the chargesheet and any orders passed in the criminal proceedings. The aforesaid representation will be considered by NESTS within four weeks thereafter. The petitioner may be called for any clarification and for producing any further documents, if required.

5. NESTS is directed to consider the legal position as to whether involvement in proceedings of this nature will be an impediment to the petitioner's employment in question, and pass a reasoned order in the event it proposes to reject her candidature.



6. All rights and contentions of the parties shall remain open.
7. The writ petition, alongwith pending application, is disposed of in terms of the aforesaid directions.

PRATEEK JALAN, J

MARCH 12, 2025/uk/kb/