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

+ W.P.(C) 9755/2023, CM APPL. 71054/2024

CM APPL. 71055/2024

DR SURENDRA KUMAR YADAV

.....Petitioner

Through: Petitioner in person.

versus

NATIONAL COUNCIL OF EDUCATIONAL
RESEARCH AND TRAINING & ORS.

.....Respondents

Through: Mr. Manish Kr. Saran, Advocate for
R-1 and 2.

Ms. Saroj Bidawat, SPC for UoI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.01.2025

CM APPL. 71055/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 9755/2023 & CM APPL. 71054/2024 (for urgent hearing and direction to conduct interview)

1. The petitioner has filed this application for a direction upon the respondent – National Council of Educational Research and Training [“NCERT”] to conduct an interview of the petitioner, who has applied for the post of Professor (Environmental Studies) against Advertisement No. 172/2022.

2. In the captioned writ petition, the prayer of the petitioner is similar,



i.e. that NCERT should issue an interview call letter to the petitioner for an opportunity to appear in the interview to be held on 26.07.2023.

3. In view of the similarity in the prayers made in the application and the writ petition, the writ petition is taken up for hearing, with the consent of the petitioner, who appears in person, and learned counsel for the respondents.

4. The interview held on 26.07.2023 was pursuant to Advertisement No. 172/2022, by which NCERT advertised various posts of Professors and Associate Professors, including in the discipline of Environmental Studies, which is the petitioner's discipline. He was not called for the interview scheduled on 26.07.2023. However, the respondents have clearly stated in their counter affidavit that the petitioner did not apply against the said vacancy at all.

5. The petitioner, who appears in person, accepts this factual position, but submits that he had applied against earlier advertisements (including Advertisement No. 171/2020, which was cancelled), and was given the impression that his candidature would be considered against the new advertisement without any fresh application. In support of this contention, the petitioner draws my attention to an advertisement issued in the year 2016 [Advertisement No. 167/2016, i.e. Annexure A-2 to the writ petition], which starts with the following note:

*“Note: - 1) The posts under PWD category published against Advt.No.164/2015 (Special recruitment drive for PWD) stands cancelled and have been re-advertised in the present advertisement (Advt.No.167/2016). **The candidates, who have applied against Advt. 164/2015 by the closing date i.e. 18.12.2015, need not apply afresh.**”*

[Emphasis supplied.]

6. He submits that in the year 2016, the practice followed was that candidates who had applied against an earlier advertisement, which was



cancelled, need not apply afresh.

7. Admittedly, no such note appears in Advertisement No. 172/2022. It may be that in an earlier round of recruitment, applications filed pursuant to a cancelled advertisement were considered, but it cannot be inferred therefrom that the respondents were duty bound to consider the candidates who did not apply against the 2022 advertisement, also.

8. In the aforesaid circumstances, the relief sought in the writ petition is unmerited. In view of the above, the petition, alongwith the application, is disposed of.

9. It is stated in paragraph 9 of the present application that the petitioner has applied for appointment as Professor (Environmental Studies) against yet another advertisement [Advertisement No. 174/2024]. Naturally, if the petitioner has applied against the new advertisement, and is eligible for consideration, the disposal of this petition will not come in the way of his consideration against the subsequent vacancies.

10. Next date of hearing, i.e. 20.03.2025 stands cancelled.

PRATEEK JALAN, J

JANUARY 16, 2025

“Bhupi/AD”/