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

+ **W.P.(C) 9208/2024 & CM APPLs. 37692/2024, 37693/2024**

SONIA DEVI

.....Petitioner

Through: **Mr. Kushagra Bansal, Advocate.**

versus

UNION OF INDIA & ANR.

.....Respondent

Through: **Mr. Neeraj, SPC & Mr. Vedansh Anand, GP for R-1 & Mr. Pradip Sharma, Mr. Sachin Saraswat, Advocates for UOI.**

Mr. Amartya Ashish Sharan & Mr. Akash Kishore, Advocates for NESTS.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.04.2025

1. The petitioner challenges her exclusion from consideration for the post of Post Graduate Teacher ["PGT"]-Biology, pursuant to a recruitment exercise undertaken by the respondent No.2 - National Education Society for Tribal Students ["NESTS"] for appointment of teaching and non-teaching staff in the Eklavya Model Residential Schools.

2. By way of an information bulletin issued by NESTS in the year 2023, applications were invited for various posts, including PGTs in several subjects. As far as PGT-Biology is concerned, the essential qualification was a post-graduate degree from any recognised university in "*Botany/Zoology/Biology*". It was specifically provided that a Master's



degree in any subject, other than the subjects mentioned, would not be considered eligible.

3. The petitioner applied, contending that she was eligible on account of an M.Sc. Degree in Biotechnology awarded by the Chaudhary Devi Lal University, Sirsa, in the year 2019. She was called to participate in a written test, and a provisional offer of appointment was also made on 02.03.2024, subject to document verification. However, by an email dated 24.06.2024, she has been informed that she is not eligible for the post of PGT-Biology as she does not possess the required educational qualification.

4. Mr. Kushagra Bansal, learned counsel for the petitioner, contends that the petitioner satisfies the eligibility criteria, inasmuch as Biotechnology is a branch of Biology, and there is no M.Sc. degree in Biology offered by any university.

5. Mr. Amartya Ashish Sharan, learned counsel for respondent No.2 - NESTS, on the other hand, submits that Biotechnology and Biology are distinct disciplines, and it is open to the employer to decide whether M.Sc. Degree in Biotechnology serves the purpose of the recruitment.

6. It is the undisputed position that NESTS has considered holders of M.Sc. Degrees in Microbiology as eligible and offered them appointment. Two such cases have been referred to in the writ petition, and those averments have not been controverted. The contention of learned counsel for the petitioner that the degree of M.Sc. Biology is not offered by any university is, however, disputed.

7. Ordinarily, the writ court would defer to the employer in matters concerning equivalence of degrees, unless a case of manifest



unreasonableness or arbitrariness is made out, to a high threshold. In the present case, however, that occasion has not yet arisen, as the respondents have not placed on record any expert determination as to whether an M.Sc. in Biotechnology qualification satisfies the stipulated essential qualification. The fact that candidates possessing M.Sc. degrees in Microbiology have been offered employment for this post, shows that NESTS, quite rightly, has not proceeded on the nomenclature of the degree, but on an assessment of whether the degree, in fact, fulfils the requirements of an M.Sc. in Biology. A similar exercise should, in my view, be undertaken for the degree in Biotechnology, in order to arrive at a conclusive decision.

8. The writ petition is, therefore, disposed of, with the direction that petitioner will submit her course syllabus, year-wise marksheets, and other relevant documents to the respondent, within one week from today.

9. The respondents are directed to examine the issue, and pass an appropriate order within six weeks thereafter.

10. All rights and contentions of the parties in the writ petition are left open for consideration thereafter.

11. The writ petition, alongwith the pending applications, is disposed of with these directions.

PRATEEK JALAN, J

APRIL 7, 2025

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