



2025:DHC:11633-DB



\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 16.12.2025

+ W.P.(C) 9519/2024 & CM APPL. 39055/2024
GOVT OF NCT OF DELHI AND ANR THROUGH D O E

.....Petitioners

Through: Ms.Yeeshu Jain, ASC with
Ms.Jyoti Tyagi, Adv.

versus

NIDHIKA GEMINIRespondent

Through: Ms.Zubeda Begum, Mr.Zubin
Sengh & Mr.Ayush Gandhi,
Advs.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 15.02.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the "Tribunal") in O.A. No. 1460/2023, titled *Nidhika Gemini v. Directorate of Education & Anr.*, allowing the said O.A. filed by the respondent herein, with the following directions:

"16. Accordingly, we dispose of this Application by passing following orders:

(i) The impugned order dated 04.05.2023 cancelling the offer of appointment issued to the applicant to the post of PGT (Economics) Female under post code 67/20, is quashed and set aside.

ii) The respondent No. 1 is directed to issue a fresh offer of appointment to the applicant forthwith. The applicant shall be entitled to all consequential benefits flowing therefrom."



2. The brief facts giving rise to the present petition are that the respondent, pursuant to an advertisement issued by the petitioners for filling up the post of PGT Economics (Female) under Post Code-67/20, participated in the selection process and was shown at serial no. 1 in the waiting panel/list under the EWS category. She was given an offer of appointment to the temporary post of PGT Economics (Female) *vide* memorandum dated 13.01.2023. However, later claiming that she had obtained two degrees, that is, M.A. (Economics) from the International Centre for Distance Education and Open Learning, Himachal Pradesh University, Shimla (hereinafter referred to as the 'ICDEOL'), during the academic session 2013–2015, and simultaneously pursued B.Ed. from MDU, Rohtak during the session 2015–2017, that is with an overlapping period which is not permitted under the guidelines issued by IGNOU and also by UGC, the candidature of the respondent was cancelled. Aggrieved whereof, the respondent filed the above O.A..

3. The learned Tribunal allowed the said O.A., observing as under:

“15. We have gone through the Full Bench decision of the Hon'ble Madras High Court in R. Chitra & others (supra), and are of the view that the same is not applicable to the present facts and circumstances. We have also gone through the provision of Section 5(2) of the IGNOU Act, 1985. Both the provision of the Act and the decision of the Hon'ble High Court make it clear that pursuing dual degree courses, through regular mode or distance learning mode, or otherwise than provided in the regular scheme, during the same academic session, has not been recognised by the UGC. However, in the present case, the applicant obtained her MA degree for the academic



session 2013-2015, and the B.Ed degree during the session 2015-2017. In the light of the decisions of the Hon'ble High Court of Delhi referred to hereinabove, it cannot be said that these degrees obtained by the applicant are overlapping. The respondent No.1 could not have rejected the candidature of the applicant on this ground."

4. The learned counsel for the petitioners submits that the learned Tribunal has erred in not appreciating that the respondent had given her first semester examination for the M.A. (Economics) in November 2016, while she was admittedly studying B.Ed. from MDU, Rohtak. He submits that, therefore, this was a case of obtaining dual degrees simultaneously, which was not permitted by UGC or by IGNOU. In support of his contentions, the learned counsel for the petitioners, places reliance on the judgment of the Madhya Pradesh High Court in **Poonam Pandey v. State of M.P. and Others** (judgment dated 14.09.2021 in W.P. No. 9301/2020)
5. He further submits that, in these facts, the judgment of the learned Single Judge of this Court in **Varun Kapur v. University of Delhi & Anr.**, 2011:DHC:1464 and of the Division Bench in **University of Delhi v. Varun Kapur**, 2011:DHC:2500-DB, as relied upon in the Impugned Order, had no application, as even though the degree may relate back to the academic session, the fact remains that the respondent had appeared for the examination while pursuing the second degree, that is, of B.Ed..
6. On the other hand, the learned counsel for the respondent submits that, in the present case, the respondent could not appear in the first semester examination of M.A. (Economics) in November



2013 due to her sickness. She later appeared for the said examination in November, 2014, however, her result was not declared by the University, stating that this was not a regular session for the first semester. Due to this, the respondent had to re-appear for the first semester examination in November 2016. She submits that, therefore, it cannot be said that the respondent was simultaneously pursuing two degree courses.

7. We have considered the submissions made by the learned counsels for the parties.

8. In the present case, the limited issue that needs to be determined is whether the respondent was pursuing two degree courses simultaneously. It is not denied that the respondent had enrolled herself for the M.A. (Economics) for the academic session 2013-2015. The same was to end in June 2015. The respondent claims that she could not give her first semester examination in November 2013 as she was unwell. The respondent, however, gave her second semester examination in June 2014; third semester in November 2014; and the fourth semester in June 2015. She further claims that she gave her first semester examination in November 2014 along with the third semester; however, the result was not declared as the University was of the opinion that this was an irregular semester. She finally gave her first semester examination in November 2016 and successfully cleared the same.

9. It is not the case of the petitioner that the respondent had to attend regular classes for giving her first semester examination in November 2016. This, therefore, was not a case of simultaneously



pursuing two degree courses by the respondent. The first degree course, as far as regular studies are concerned, ended with the giving of the fourth semester examination by the respondent. She was, thereafter, only to appear in the first semester examination because her earlier attempt in November 2014 was found to be invalid. By that time, she had already enrolled herself in the B.Ed. course and later successfully cleared the same.

10. In the given facts of the present case, we, therefore, find that the candidature of the respondent had been wrongly rejected by the petitioners, as it was not a case of pursuing two different degree courses simultaneously. The bar on the same, as stipulated by the UGC or by the IGNOU, would not be attracted to the respondent.

11. The judgment of the Madhya Pradesh High Court in *Poonam Pandey v. State of M.P. and Others* (judgment dated 14.09.2021 in W.P. No. 9301/2020), would also have no application in the above facts, as concededly the petitioner therein, was pursuing two degree courses simultaneously.

12. We, therefore, find no infirmity in the order passed by the learned Tribunal.

13. The petition, along with the pending application, is dismissed.

14. The petitioners shall implement the order of the learned Tribunal within a period of eight weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 16, 2025/rv/as