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

+ **W.P.(C) 9771/2024**

KM SUNEETA RAJ AND ORS

.....Petitioner

Through: Mr. S.K. Rungta, Sr. Adv. with
Mr. Shivankur Shukla, Advocate.

versus

**NATIONAL EDUCATION SOCIETY FOR TRIBAL
STUDENTS**

.....Respondent

Through: Mr. Amartya Ashish Sharan & Mr.
Akash Kishore, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **23.05.2025**

REVIEW PET. 327/2025

1. The National Education Society for Tribal Students [“NESTS”], which was the respondent in the captioned writ petition, has filed this petition seeking review of the order of this Court dated 28.03.2025 (as rectified by order dated 02.04.2025), by which the writ petition was disposed of.

2. At the very outset, Mr. Amartya Ashish Sharan, learned counsel for NESTS, submits that a review of the order is not required, but only a minor clarification. At his request, and with the consent of Mr. S.K. Rungta, learned Senior Counsel for the petitioner, to expedite the implementation of the directions, this review petition is treated as an application for clarification.

CM APPL. No. /2025 (to be numbered) [Diary No. 2826798/2025]

1. The Registry is directed to number the above application as a Civil Miscellaneous Application. The prayer in the application will be read as



one for clarification.

2. The captioned writ petition was disposed of on 28.03.2025 alongwith a batch of other similar writ petitions with the following directions:

“1. Mr. S.K. Rungta, learned Senior Counsel for the petitioners, and Ms. Archana Pathak Dave, learned Additional Solicitor General, appearing for the respondent/National Education Society for Tribal Students [“NESTS”], state that the grievances of the petitioners in these five petitions have been resolved, inasmuch as NESTS has taken a decision to appoint them to the posts they had applied for.

2. Mr. Rungta submits that the necessary appointment letters/posting orders be also issued expeditiously. Ms. Dave, assures the Court that this will be done as expeditiously as possible, subject to completion of all formalities, and within the outer limit of three weeks.

3. The respondents are also directed to bear in mind the manner in which these cases have been resolved, if any future advertisement is issued for the same post(s).

4. The writ petitions, alongwith pending applications, are disposed of.”

3. The present application arises from the contention of NESTS that one of the petitioners [Petitioner No. 9] in the captioned writ petition is ineligible for appointment to the post of TGT (Music), for which he had applied, as he does not possess the prescribed educational qualifications. The clarification sought is that the order of this Court dated 28.03.2025 does not foreclose NESTS from considering the eligibility of the said candidate on this ground.

4. The issue which arose for consideration in the batch of writ petitions was limited to whether persons with disabilities in the category of Blind [“B”] were eligible for the reservation under the category of Visually Impaired [“VI”]. The decision of NESTS, referred to in the



order, was confined to that question. Even in the order dated 28.03.2025, it was made clear that the issuance of appointment letters/posting orders would be “*subject to the completion of all formalities*”.

5. In view of the above, and with the consent of learned counsel for the parties, the application is disposed of with the following directions:

- a. It is clarified that the order dated 28.03.2025 (as rectified by order dated 02.04.2025) does not foreclose the question of eligibility with regard to the educational qualifications.
- b. In order to address the question of eligibility as raised in the application, petitioner No. 9 is permitted to make a detailed representation to NESTS within a period of two weeks from today.
- c. NESTS will consider the representation and take a reasoned decision, if necessary, by constitution of an appropriate committee.
- d. It may also seek clarification from the educational institution in question or any relevant statutory authority.
- e. If an adverse decision is proposed, a personal hearing will be granted to the candidate.
- f. The decision will be communicated to the concerned candidate within a period of eight weeks from today.
- g. In the event of an adverse decision, all rights and remedies of the petitioner No. 9 will remain reserved.

PRATEEK JALAN, J

MAY 23, 2025

ab/SD/