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

+ **W.P.(C) 10835/2025**

ADITYA GUPTA

.....Petitioner

Through: Mr. Surinder Kumar Bhasin, Mr.
Sanjay Kumar, Mr. Vishal Bansal
& Mr. Manish Khawal, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Harish Kumar Garg, SPC for
R-1/UOI.
Mr. Amartya Ashish Sharan & Mr.
Akash Kishore, Advocates for
NESTS. [M:-9654659775]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.07.2025

CM APPL. 44790/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 10835/2025

1. The petitioner was appointed as a Post Graduate Teacher [“PGT”] (Commerce) pursuant to a recruitment exercise conducted by National Education Society for Tribal Students [“NESTS”] in the year 2023. He was posted at Eklavya Model Residential School [“EMRS”], Gurukulam, Mhow, Indore, Madhya Pradesh, in terms of an appointment letter dated 09.06.2024. The petitioner tendered his resignation on 19.11.2024. The



resignation letter, written in his own handwriting, states that the resignation was being submitted on account of personal reasons. The resignation was accepted by an order dated 05.12.2024, issued by the Office of Commissioner Tribal Affairs, Joint Secretary, M.P. Special and Residential Academic Society [“MPSARAS”], Bhopal. The petitioner was relieved of his duties with effect from 18.12.2024.

2. Thereafter, the petitioner approached the respondents seeking to rejoin. His first such communication is addressed to the Principal of the EMRS, Indore, on 24.01.2025. The request was forwarded to NESTS but was not acceded to, as communicated by letters dated 04.03.2025 and 08.04.2025.

3. It is sought to be argued on behalf of the petitioner that the acceptance of his resignation by the MPSARAS, Bhopal, was invalid, as the appointing authority for the post of PGT (Commerce) was the Joint Commissioner, NESTS. However, in the course of arguments, Mr. Surinder Kumar Bhasin, learned counsel for the petitioner, limits the relief sought to a prayer for consideration of the petitioner’s case for rejoining the service as a PGT (Commerce) in any school under the aegis of NESTS.

4. Having regard to the fact that the guidelines issued by NESTS on 26.07.2024, by which the authority to accept a resignations was delegated to a State Societies, themselves contemplate situations where a resigned employee may wish to rejoin service, Mr. Amartya Ashish Sharan, learned counsel for NESTS, submits that the petitioner’s candidature will be considered, subject to the availability of a vacancy in the post of PGT (Commerce).



5. The writ petition is accordingly disposed of on above basis. It is made clear that this order does not intend to confer any right upon the petitioner to be re-appointed after such delay, in the event the vacancies have already been filled. It is intended only to facilitate consideration of his request by NESTS, if and when a suitable vacancy exists.

6. The writ petition is disposed of with these directions.

PRATEEK JALAN, J

JULY 25, 2025

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