



\$~83 to 85

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

+ **W.P.(C) 10751/2024 & CM APPL. 44276/2024**
BABITAPetitioner

versus

NATIONAL EDUCATION SOCIETY FOR
TRIBAL STUDENTS & ORS.Respondents

+ **W.P.(C) 10832/2024 & CM APPL. 44608/2024**
DEEPAK KUMAWATPetitioner

versus

NATIONAL EDUCATION SOCIETY FOR
TRIBAL STUDENTS & ORS.Respondents

+ **W.P.(C) 11280/2024 & CM APPL. 46714/2024**
RAJKUMAR MEENAPetitioner

versus

NATIONAL EDUCATION SOCIETY FOR
TRIBAL STUDENTS & ORS.Respondents

Appearances:

Mr. Anuj Aggarwal, Ms. Divya Aggarwal, Ms. Kritika Matta, Mr. Nikhil Pawar, Mr. Pradeep Kumar & Mr. Manas Verma, Advocates for Petitioners in Item Nos. 83 to 85.

Mr. Amartya Ashish Sharan, Mr. Akash Kishore and Ms Saumya Dwivedi, Advocates for NESTS.

Ms. Shubhra Parashar, Mr. Virender Pratap Singh Charak & Mr. Pushpender Pratap Singh, Advocates for UOI in item No. 84

Mr. Karan Shankar Mani, GP with Mr. Ananay Chopra, Advocate for UOI in Item Nos. 83 & 84.



Ms. Radhika Bishwajit Dubey, CGSC with Ms. Gurleen Kaur Waraich & Mr. Kritarth Upadhyay, Advocates for UOI in Item No. 85.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.05.2025

1. These three petitions concern candidatures for the post of Trained Graduate Teacher ["TGT"] (Social Studies), pursuant to a recruitment advertisement issued by respondent-National Education Society for Tribal Students ["NESTS"] in 2023.
2. The factual background and legal controversy in all three cases is identical. They are, therefore, being taken up for hearing together.
3. The recruitment advertisement contained the following essential eligibility conditions for the post of TGT (Social Studies):-

"Essential Qualification

Four years integrated degree course of Regional College of Education of NCERT or other NCTE recognized institution in concerned subject.

Or

Bachelors Honors Degree in the concerned subject. Candidate should have studied requisite subjects for at least 2 years in the 03 years degree course

Or

Bachelor's Degree from a recognized University/Institute in concerned subject. The candidate should have studied the requisite subjects in all three years of degree course.

Note:

Post wise elective subjects and Languages in the combination of subjects are as under:

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*e) **For TGT (Social Studies):***

(i) The candidate should have studied any of the two subjects out of the following subject combination at graduation level:

(a) History with Geography/ Economics/ Political Science



OR

(b) Geography with History/ Economics/ Political Science (in other words candidates should have studied any two subjects out of History, Geography, Economics and Political Science, in which one must be either History or Geography)

(ii) History/Geography as above should have been studied for all three years in the Graduation.

(iii) In case of Honours Degree in History the candidate should have studied Geography /Economics/Political Science in any of the two years of the course. Similarly in case of Honours degree in Geography, the candidate should have studied History/Economics/Political Science in any of the two years of the course. Candidates with B.A.(Honours) in Economics or Political Science are not eligible for the post of TGT (Social Studies)

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And (for all TGTs)

(B) Passed the Central Teacher Eligibility Test (CTET) conducted by CBSE in accordance with the guidelines framed by the NCTE, for the purpose.

(C) B.Ed. Degree*

*Note:

B. Ed. degree not applicable for 04 years integrated degree course as mentioned in sub clause (C) above.”

[Emphasis supplied.]

4. The petitioners applied on the strength of their B.A. Degrees, in which they had studied History [in the case of W.P.(C) 10751/2024 and W.P.(C) 10832/2024] and Geography [in the case of W.P.(C) 11280/2024] for all three years.

5. The controversy is with regard to the second subject requirement, in terms of the advertisement. In the case of those who have studied History for three years, the second subject is specified as “Geography/Economics/Political Science”, and in case of those who have studied Geography for all three years, the second subject is specified as “History/Economics/Political Science”. In the petitioners’ cases, they have studied Public Administration, which they contend is substantially



the same as Political Science.

6. The petitioners participated in the written recruitment examination, and were called for document verification. They participated in document verification, and were issued provisional offers of appointment. However, it was thereafter contended by NESTS that they did not fulfil the essential eligibility conditions for appointment as TGT (Social Studies). After a third round of verification, their candidatures were rejected by way of separate impugned orders, all dated 24.06.2024, which have led to filing of the present petitions.

7. I have heard Mr. Anuj Aggarwal, learned counsel for the petitioner, and Mr. Amartya Ashish Sharan, learned counsel for NESTS.

8. Factually, the admitted position is that the petitioners' undergraduate degrees do not include any subject by the name of Political Science. However, Mr. Aggarwal submits, relying upon judgment of Supreme Court in *Rajbir Singh Dalal (Dr.) v. Chaudhari Devi Lal University* [(2008) 9 SCC 284] [hereinafter, "*Rajbir Singh Dalal*"], that Political Science and Public Administration are interchangeable disciplines, and the respondents have wrongly distinguished between the two.

9. In *Rajbir Singh Dalal*, the Supreme Court was concerned with recruitment to the post of Reader in Public Administration in Choudhary Devi Lal University in Sirsa, Haryana. The University had considered a Master's degree in Political Science to satisfy the eligibility requirements. The High Court, at the instance of another candidate, set aside the appointment, holding that degrees in Political Science would not suffice. The Supreme Court reversed this view on a consideration of the



applicable regulations of the University Grants Commission [“UGC”]. The Court held that, for the post of Reader, the candidate must have an M.A. degree “*in the relevant subject*”, but deferred to the view of the University and UGC that a Masters degree in Political Science satisfies this condition. The observations of the Court cited by Mr. Aggarwal are as follows:

“25. In our opinion, in the present case, the anusanga principle of Mimansa should be utilised and the expression “relevant subject” should also be inserted in the qualification for the post of Reader after the words “at the Masters degree level”. Hence, we cannot accept the submission of Mr Patwalia in this respect. However, we agree with Mr Patwalia that since academic experts have regarded Political Science and Public Administration to be one discipline, it is not right for this Court to sit in appeal over the opinion of the experts.

26. Mr Patwalia, learned counsel has pointed out that for the posts of Reader and Lecturer in Public Administration and Political Science, a large number of appointments have been made in the respondent University as well as in the Higher Education Department of Haryana treating Political Science and Public Administration as one discipline. There are a large number of persons who have MA and PhD degrees in Political Science and are working as teachers in Public Administration Department, and vice versa.

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29. It may be mentioned that on a clarification sought from UGC whether a candidate who possesses a Masters degree in Public Administration is eligible for the post of Lecturer in Political Science and vice versa, UGC wrote a letter dated 5-3-1992 to the Registrar, M.D. University, Rohtak stating that the subjects of Political Science and Public Administration are interchangeable and interrelated, and a candidate who possesses Masters degree in Public Administration is eligible as Lecturer in Political Science and vice versa. Thus, this is the view of UGC, which is an expert in academic matters, and the Court should not sit in appeal over this opinion and take a contrary view.

30. Learned counsel for the appellant has also pointed out that a large number of universities in this country have a single department for both the subjects of Political Science and Public Administration, and this also demonstrates that the subjects Political Science and Public Administration are interchangeable and interrelated. Political Science is the mother subject and Public Administration is the offshoot of the same.



31. We agree with Mr Patwalia, learned counsel, that it is not appropriate for this Court to sit in appeal over the opinion of the experts who are of the view that Political Science and Public Administration are interrelated and interchangeable subjects, and hence a candidate who possesses Masters degree in Public Administration is eligible for the post of Lecturer in Political Science and vice versa. We are told that a large number of persons having qualifications in the interchangeable/interrelated subjects have been appointed Readers/Professors/Lecturers and are continuing as such in various colleges and universities in the State.

32. In Para 5 of the counter-affidavit filed by the respondent University before the High Court, it has been specifically stated that Public Administration is one of the branches of Political Science, and the appellant was selected by a Selection Committee consisting of eminent experts after evaluating his qualifications and work.”

10. Mr. Sharan submits that, while the judgment of the Supreme Court does use the word “interchangeable” while correlating the subjects of Political Science and Political Administration, the same must be read in the context of the recruitment rules, which required the degree to be “in a relevant subject”. According to him, it is for this reason that the Supreme Court, in the above-quoted paragraph 30 also used the word “interrelated”, and indicated that Public Administration is an “offshoot” of Political Science, which is “the mother subject”. He submits that the observations of the Supreme Court do not lead to conclusion that Political Science and Public Administration are, in fact, identical. He further contends that, in the advertisement in the present case, the required qualification was not phrased as widely, but was specific, in identifying the particular subjects, which qualified for appointment.

11. Having heard learned counsel for the parties, I am of the view that the decision taken by NESTS, if it rests on an analysis of this nature, must be supported by a deeper expert opinion. What appears on the record is that NESTS has taken a decision on a superficial finding that Political



Science and Public Administration are not the same. The judgment of the Supreme Court in *Rajbir Singh Dalal*, at the very least, requires this issue to be examined in greater depth. If it is the contention of NESTS that the requirements of the present recruitment do not lend themselves to this interchangeability, that opinion requires consideration of the syllabus for the two subjects, and identification of the differences in the content, which may be relevant for post of TGT (Social Studies).

12. NESTS is, therefore, directed to constitute a committee including experts in the teaching of Social Studies/Political Science at the School level, and to examine the above issue in the context of *Rajbir Singh Dalal*. The impugned orders dated 24.06.2024 are set aside, and NESTS is directed to take a fresh decision within a period of two months from today.

13. If NESTS comes to the conclusion that the petitioners are, in fact, eligible for the post of TGT (Social Studies), they will issue letters of appointment and posting orders to them, subject to availability of vacancies, within a period of three months thereafter. If, however, it comes to the conclusion that the petitioners are not eligible, it will issue speaking orders to them within the period of two weeks thereafter.

14. The writ petitions, alongwith pending applications, are disposed of with the aforesaid directions, and the impugned orders are set aside.

15. The rights and remedies of parties are left open.

PRATEEK JALAN, J

MAY 14, 2025

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