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

+ **W.P.(C) 10017/2024 & CM APPL. 40988/2024**

PREETI SHARMA

.....Petitioner

versus

NATIONAL EDUCATION SOCIETY FOR
TRIBAL STUDENTS

.....Respondent

+ **W.P.(C) 10284/2024 & CM APPL. 42090/2024**

NANKU LAL AND ANR

.....Petitioners

versus

NATIONAL EDUCATION SOCIETY
FOR TRIBAL STUDENTS

.....Respondent

+ **W.P.(C) 10312/2024 & CM APPL. 42244/2024**

SAIRA SHABNAM AND ORS

.....Petitioners

versus

NATIONAL EDUCATION SOCIETY
FOR TRIBAL STUDENTS

.....Respondent

+ **W.P.(C) 11456/2024 & CM APPL. 47537/2024**

DEEPU SINGH CHAUHAN

.....Petitioner

versus

NATIONAL EDUCATION SOCIETY
FOR TRIBAL STUDENTS

.....Respondent

Appearance:

Mr. S.K. Rungta, Senior Advocate with Mr. Prashant Singh, Mr. S. Shukla & Ms. Deepti Gupta, Advocates for Petitioners in Item nos. 1 to 4.

Ms. Archana Pathak Dave, ASG with Mr. Somesh Chandra Jha, Mr. Amartya Ashish Sharan, Mr.



Raghav and Mr. Akash Kishore, Advocates for NESTS in Item nos. 1 to 4.

Ms. Archana Pathak Dave, ASG with Mr. Jagdish Chandra, CGSC for UOI with Mr. Shubham Kumar Mishra, Advocate with Ms. Garima Singh, LC, DE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.04.2025

1. These four petitions have been filed by candidates for appointment to various posts, in response to a recruitment exercise undertaken by the respondent – National Education Society for Tribal Students [“NESTS”] for Eklavya Model Residential Schools.
2. The petitioners are twelve in number, across the four petitions. They all applied in the reserved category of Persons with Benchmark Disability [Visually Impaired] [“PWBD (VI)”]. Their candidatures were rejected by NESTS on the ground that they did not satisfy the requirements of the post, as they fell in the sub-category of “Blind (B)”, instead of “Low Vision (LV)”, within the broader category of VI.
3. Happily, this issue has been resolved with the intervention of Ms. Archana Pathak Dave, learned Additional Solicitor General [“ASG”]. Ms. Dave has handed over an affidavit dated 24.04.2025 on behalf of NESTS, from which it is clear that the aforesaid objection has been withdrawn. A copy of the said affidavit is taken on record.
4. As far as three candidates - Deepu Singh Chauhan, Saira Shabnam, and Kamlesh Kumar are concerned, the affidavit states that offers of appointment may be issued to them. NESTS is directed to process the



appointments of these three candidates and issue appointment letters cum posting orders within a period of three months from today.

5. In respect of two other candidates, namely Rajesh Kumar and Nandan Gupta also, there is now only one impediment to their appointment, which is that they have applied in the OBC category but have not submitted the requisite certificate in terms of the advertisement. Subject to the said candidates submitting the requisite certificate within a period of one week from today, NESTS is directed to issue necessary appointment letters cum posting orders to those candidates also within the period of three months from today.

6. Although the affidavit states that these offers will be issued as a “special case”, Ms. Dave submits that the offers of appointment are being issued as NESTS has reconsidered its earlier view on the applicability of the reservation, in the light of the advertisement, applicable legal provisions and office memorandums.

7. As far as the remaining seven petitioners are concerned, NESTS has identified certain other difficulties with their qualifications, which have been enumerated in paragraph 5 (c) of the affidavit, as follows:

<i>Candidates Name</i>	<i>Post</i>	<i>Remarks/Objections</i>
<i>Preeti Sharma</i>	<i>TGT (Maths)</i>	<i>Offer of Appointment cannot be issued as Petitioner did not possess qualification as per qualification prescribed in information bulletin. The candidate possess degree of Computer application and not Computer Science as required under the notification of ESSE-23</i>



		<i>A true copy of Certificate provided by Preeti Sharma is annexed as Annexure RA – 1</i>
<i>Nanku Lal</i>	<i>PGT (History)</i>	<i>Offer of Appointment Cannot be Issued as Petitioner did not have qualification as per qualification prescribed in information bulletin. The petitioner possess B.Ed in special education (VI), which is not as per the essential educational qualification as per notification of ESSE-23. A true copy of Certificate provided By Nanku Lal is annexed as Annexure RA – 2</i>
<i>Ram Karan Kushwaha</i>	<i>PGT (History)</i>	<i>Offer of Appointment cannot be issued as Petitioner did not have qualification as per qualification prescribed in information bulletin. The petitioner possess B.Ed. in special education (VI), which is not as per the essential educational qualification as per notification of ESSE-23. A true copy of Certificate provided by Ram Karan Kushwaha is annexed as Annexure RA – 3</i>
<i>Arvind Kumar Rathaur</i>	<i>TGT (Social Studies)</i>	<i>Offer of Appointment cannot be issued as Petitioner did not have qualification as per qualification prescribed in information bulletin. The petitioner possess B.Ed in special education (VI), which is not as per the</i>



		essential educational qualification as per notification of ESSE-23. A true copy of Certificate provided by Arvind Kumar Rathaur is annexed as Annexure RA – 4
<i>Sheru Singh</i>	<i>TGT (Social Studies)</i>	Offer of Appointment cannot be issued as Petitioner as the B.Ed degree obtained by the petitioner is post the cut off date i.e. 18.08.2023 earmarked in the notification for determination of qualification of candidate. A true copy of Certificate provided by Sheru Singh is annexed as Annexure RA – 5
<i>Parshuram Dubey</i>	<i>TGT (Social Studies)</i>	Offer of Appointment cannot be issued as Petitioner did not have qualification as per qualification prescribed in information bulletin. The petitioner scored 89 marks out of 150 in CTET. As per the marksheet, minimum score for qualifying is 90 i.e. 60%. As per the certificate submitted by the applicant, he has not qualified CTET, which is mandatory for the post of TGT (S.Sc). A true copy of Certificate provided by Parshuram Dubey is annexed as Annexure RA – 6
<i>Ramu Mishra</i>	<i>TGT (Social Studies)</i>	Offer of Appointment cannot be issued as



		<i>Petitioner does not have qualification as per qualification prescribed in information bulletin. The petitioner has studied political science as a subject only for two years as against the requirement of three years as per notification. A true copy of Certificate provided by Ramu Mishra is annexed as Annexure RA – 7</i>
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8. These objections were not the basis on which the candidature of these petitioners had earlier been rejected and, therefore, are not the subject matter of challenge in the present writ petitions. They must therefore be examined by NESTS, after giving the concerned candidates an opportunity to satisfy it as to their eligibility.

9. As far as these petitioners are concerned, therefore, they are directed to submit representation to NESTS within two weeks from today with supporting documents. NESTS will consider those representations, if necessary, by constitution of appropriate committee (s) and, if required, may also seek clarifications from the educational institutions/statutory authorities which have awarded the qualifications in question. Any further documents or clarifications may also be sought from the candidates themselves, and the candidates will be called for a personal hearing, if any adverse decision is proposed. The decision be communicated to the concerned candidates within eight weeks from today. The rights and remedies of the petitioners remain reserved.



10. The writ petitions alongwith the pending applications, are disposed of with the aforesaid directions.

11. The Court records its appreciation of the role played by Ms. Dave, learned ASG, and the counsel assisting her in bringing the issue to a satisfactory resolution.

PRATEEK JALAN, J

APRIL 25, 2025

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