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

+ **W.P.(C) 15932/2024**

MANISH SAHU

.....Petitioner

Through: Mr. Varun Thakur, Mr. Ramkaran
and Mr. Satyam Nandan,
Advocates.

versus

UNION OF INDIA, THROUGH SECRETARY

MINISTRY OF TRIBAL AFFAIRS & ANR.Respondents

Through: Mr. Soumava Karmakar, Senior
Panel Counsel with Ms. Jyoti
Bajaj, Advocate for UOI.

Mr. M.A. Niyazi, SC for CBSE
with Ms. Anamika Ghai Niyazi,
Ms. Kirti Bhardwaj, Ms. Nehmat
Sethi and Mr. Arquam Ali,
Advocates for CBSE.

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

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.05.2025**

1. The petitioner applied for the post of PGT Geography in the Other Backward Classes – Non Creamy Layer [“OBC-NCL”] category, pursuant to a recruitment advertised by respondent no. 2 – National Educational Society for Tribal Students [“NESTS”], in the year 2023.

2. The selection was on the basis of a written examination. The controversy in the present case concerns the English language section of



the paper, which comprised questions nos. 131 to 140. Candidates were required to obtain a minimum of 40%, i.e. 4 out of 10, in this section. The petitioner was disqualified on the ground that he scored 3.75, out of the maximum of 10 marks in this section.

3. The marking scheme disclosed with the recruitment advertisement provided that one mark would be awarded for every correct answer, and 0.25 marks would be deducted for every wrong answer. It also specifically provided that no marks would be awarded for a question if more than one option was found marked by the candidate.

4. According to the petitioner, the computation of his English marks was incorrect, as 0.25 marks were deducted for one question [question no. 139] in which he had marked two answers. According to the petitioner, 0.25 marks, which were to be deducted only for every wrong answer have, thus, been erroneously deducted for question no. 139, which should not have been marked at all.

5. The petitioner first challenged the decision of NESTS by way of W.P.(C) No.13039/2024, which was disposed of on 18.09.2024, directing NESTS to treat it as a representation and take a reasoned decision. NESTS, by decision dated 15.10.2024, which is also challenged in this writ petition, noted that the petitioner had failed to obtain the minimum 40% marks in Language 1, i.e., English and was, therefore, not eligible. His total marks have been noted as 81.75.

6. The petitioner is therefore, once again, before the Court.

7. The respondent no. 3 – Central Board of Secondary Education, which conducted the examination on behalf of NESTS, has filed an affidavit dated 08.05.2025, in which it is stated that there was a technical



error in marking the petitioner, and 0.25 marks have erroneously been deducted.

8. In view of this affidavit, it appears that the petitioner has, in fact, scored the minimum of 4 marks out of 10 marks, required in the English section. The petitioner's total marks would now be 82. He has also placed on record the list of cut-off marks for each post and category, which states that the cut-off mark, for the post of PGT Geography in the OBC-NCL category, was 77. On the basis of the aforesaid, it is clear that the petitioner was deprived of appointment only due to an error of the testing agency.

9. Mr. Amartya Ashish Sharan, learned counsel for NESTS, states, upon instructions, that although appointments were offered to fill up all 41 posts of PGT Geography in the OBC-NCL category, after withdrawal of candidates, there remain some vacancies for the said post in the relevant category.

10. In view of the above, the writ petition is allowed, and NESTS is directed to process the petitioner's candidature further. If there is no other impediment, NESTS is directed to issue a letter of appointment-cum-posting order to the petitioner, within a period of three months.

PRATEEK JALAN, J

MAY 9, 2025

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