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

+ **W.P.(C) 838/2025 & CM APPL. 4120/2025**

POOJA LODHI

.....Petitioner

Through: Mr. Dushyant Bhargava, Mr.
Sachin Yadav, Mr. Manan Sharma
and Mr. Amit Kumar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sahaj Garg, SPC with Mr.
Sanjay Pal, GP for UOI.
Mr. Amartya Ashish Sharan and
Mr. Akash Kishore, Advocates for
NESTS.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

22.01.2025

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1. The petitioner applied for appointment as a Trained Graduate Teacher ["TGT"] – (English) pursuant to an advertisement issued by respondent No. 2 – National Education Society for Tribal Students ["NESTS"] dated 19.07.2023. She was provisionally selected for the course and called for document verification. She is aggrieved by a communication dated 24.06.2024, by which respondent No. 2-NESTS has decided that she does not possess the required educational qualification for the post.

2. The educational qualifications required for the post of TGT (English) are enumerated in Chapter 4 of the advertisement [at page Nos. 43 and 44 of the writ petition]. Mr. Dushyant Bhargava, learned counsel for the petitioner, submits that as on the cut off date provided in the



advertisement, the petitioner had undertaken a four-year integrated degree course being the Bachelor of Elementary Education [B.El.Ed.] from Delhi University, which included study of English in three years out of four. He contends that B.El.Ed. degree is a four-year integrated course, which satisfies the first qualification in the said advertisement.

3. The documents annexed to the writ petition include a communication of respondent No. 2-NESTS dated 05.07.2024, in which it was stated that the competent authority had given the petitioner “*a final opportunity*” to prove her eligibility “*in terms of possessing educational qualification as per aforesaid notification*”. The petitioner was required to attend the office of respondent No. 2-NESTS on 08.07.2024.

4. Mr. Bhargava states, upon instructions from the petitioner, who is present in Court, that the petitioner did visit the office of respondent No. 2-NESTS on 08.07.2024. She thereafter approached Delhi University for a certificate with regard to the courses studied by her, which was issued on 15.07.2024 [Annexure P-2 to the writ petition]. The certificate enumerates three courses, which according to the Department of Education, were equivalent to courses in English language, and certifies that the petitioner studied those courses in addition to studying English for 200 marks in second and third year. The aforesaid document is dated 15.07.2024, which is after the date on which the petitioner was called to attend the respondent No. 2-NESTS’s office.

5. As the petitioner was provisionally selected for the course, Mr. Amartya Ashish Sharan, learned counsel for respondent No. 2-NESTS, was requested to take instructions as to whether the writ petition and documents filed therewith may be treated as a representation upon which



respondent No. 2-NESTS will take a final decision. Mr. Sharan, upon instructions, states that this course is acceptable to respondent No. 2-NESTS. Mr. Bhargava is also agreeable to the disposal of the petition on this basis.

6. My attention is also drawn to an order of a coordinate Bench dated 25.09.2024 in W.P.(C) 13463/2024 [*Ankit Kumar Yadav v. National Education Society for Tribal Students and Anr.*], in which a similar course was adopted with regard to eligibility conditions in respect of a candidate for appointment as a PGT by respondent No. 2-NESTS.

7. For the aforesaid reasons, the writ petition is disposed of, with a direction upon respondent No. 2-NESTS to treat the present writ petition as a representation. If the petitioner wishes to submit any documents for consideration by respondent No. 2-NESTS, she may do so through counsel of respondent No. 2-NESTS within a period of three days from today.

8. Respondent No. 2-NESTS will consider the said representation and documents, and pass a final order within four weeks thereafter.

9. It is made clear that this Court has not adjudicated upon the rights and contentions of the parties on merits.

10. The petition, alongwith the pending application, is disposed of in the aforesaid terms.

PRATEEK JALAN, J

JANUARY 22, 2025
SS/AD/