



2026:DHC:1281-DB



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

% *Date of Decision : 10.02.2026*

+ **LPA 64/2026 & CM APPL. 9167/2026**

RAHUL RAJ

.....Appellant

Through: Mr. Siddharth Krishna Dwivedi and
Ms. Ayushi, Advocates.

versus

NATIONAL EDUCATION SOCIETY FOR TRIBAL STUDENTS &
ORS.

.....Respondents

Through: Mr. Somesh Chandra Jha, Advocate
for R1/NESTS.

Mr. Kamal Kant Jha, CGSC with Mr.
Avinash Singh, Mr. Aishwarya Deep
Singh and Ms. Aakriti, Advocates for
R2/UoI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

CM APPL. 9168/2026

1. This is an Application filed on behalf of the Appellant seeking condonation of delay of 282 days in filing the present Letters Patent Appeal.
2. For the reasons stated in the Application, the same is allowed. The delay of 282 days in filing the present Letters Patent Appeal is hereby condoned.
3. The Application stands disposed of.

**LPA 64/2026**

4. The Appellant has filed the present Appeal against the Judgment dated 26.03.2025 (“**Impugned Judgment**”) passed by the learned Single Judge of this Court in W.P.(C) No. 11919/2024 (“**Writ Petition**”) and other connected petitions thereby dismissing the Writ Petition filed by the Appellant for issuing a direction to Respondent No.1 – National Education Society for Tribal Students (“**NESTS**”) to appoint the Appellant on the post of Trained Graduate Teacher (“**TGT**”), Art in Eklavya Model Residential Schools (“**EMRSs**”) and for quashing the order / e-mail dated 24.06.2024 issued by Respondent No.1 denying the appointment to the Appellant.

5. The brief facts leading to the filing of the present Appeal are as under:

5.1 Respondent No. 2 – Ministry of Tribal Affairs, Government of India created Respondent No. 1 to establish, endow, maintain, control and manage schools viz. EMRSs, Eklavya Model Day Boarding Schools (EMDBS) and Centre of Excellence for Sports.

5.2 Respondent No. 1 established EMRSs with the objective of providing quality education to students from Class VI to XII belonging to ST category.

5.3 The Appellant completed three years of Chitra Bhushan (Senior Diploma) in the discipline of Fine Arts (Painting) and five years of Chitra Visharad (Advanced Diploma) in the discipline of Fine Arts (Painting) from Pracheen Kala Kendra, Chandigarh, which is claimed by the Appellant to be equivalent to Bachelor of Fine Arts (“**BFA**”). Additionally, the Appellant completed Chitra Bhaskar, which is claimed by the Appellant as equivalent to Master of Fine Arts.



5.4 Respondent No. 1 invited online application for recruitment on direct basis to the posts of TGTs and Hostel Warden (Male & Female) in the month of July – August 2023. The said exam was called by Respondent No. 1 as ‘Eklavya Model Residential Schools Staff Selection Exam (ESSE) – 2023’.

5.5 The Appellant submitted an application for the position of TGT, Art within the Miscellaneous Category of Teachers (Group-B). Respondent No. 1 subsequently shortlisted the Appellant for this role and conducted an interview. Following this process, Respondent No. 1 issued a provisional appointment offer to the Appellant on 02.03.2024. However, Respondent No. 1 subsequently informed the Appellant *vide* email dated 24.06.2024 that he was found ineligible for the position of TGT, Art due to not meeting the essential qualification requirements for the said post.

5.6 Being aggrieved by the e-mail dated 24.06.2024, the Appellant preferred the Writ Petition, which was dismissed by the learned Single Judge *vide* the Impugned Judgment. Hence, the present Appeal.

6. We have heard the learned Counsel for the Parties.

7. The learned Counsel for the Appellant submitted that the Impugned Judgment has incorrectly dismissed the Writ Petition filed by the Appellant *inter alia* on the ground that it was unacceptable for Pracheen Kala Kendra, Chandigarh (which awarded the diplomas itself) to again certify that diplomas are ‘*on the same pattern as Sangeet Visharad (B.Mus.) and, therefore, to be treated as equivalent to BFA*’. It was further submitted that the learned Single Judge wrongly held that even the appointment letter



2026:DHC:1281-DB



issued to the Appellant was of no help and that NESTS was not duty bound to follow the Navodaya Vidyalaya pattern in setting the qualification of its teachers.

8. The learned Counsel for the Appellant submitted that the Impugned Judgment fails to strike down the Respondent No. 1's arbitrary denial of employment of the Appellant, which violates Articles 14 and 16 of the Constitution of India, 1950. The learned Counsel for the Appellant relied upon the recent decision dated 04.12.2025 of this Court in the case of **Kendriya Vidyalaya Sangathan & Anr. v. Bhairvi Kumari and Ors.** (W.P. (C) No. 1921/2024), which relied upon decision of the Supreme Court in **Bihar Rajya M.S.E.S.K.K. Mahasangh** (2005) 9 SCC 119, which held that the degree of "*Sangeet Prabhakar*" and diploma of "*Sangeet Visharad*" are treated as equivalent to a "*Bachelor Graduation in Music*". It was further held in the said decision that CBSE has recognized "*Sangeet Prabhakar*" as eligible qualification for the teacher to teach music in its affiliated schools. He also submitted that Delhi University and BHU have also recognized the said Diploma as equivalent to a "*Bachelor Degree in Music*" and, similarly, the degree of "*Sangeet Prabhakar*" is to be treated to equivalent to a Bachelor's Degree for the purpose of appointment as a Primary Teacher.

9. The learned Counsel for the Appellant submitted that the Appellant has completed three years of "*Chitra Bhushan*" (Senior Diploma) and five years of "*Chitra Visharad*" (Advanced Diploma) in the discipline of Fine Arts (Painting) from Pracheen Kala Kendra, Chandigarh and additionally, the Appellant has completed the "*Chitra Bhaskar*", which is equivalent to Master of Fine Arts.



10. The learned Counsel for the Appellant relied upon the decision in the case of ***Shankarsan Dash v. Union of India***, (1991) 3 SCC 47, which held that the State does not have the license to act in an arbitrary manner and the decision to not fill up the vacancies must be taken *bona fide* for appropriate reasons. It was submitted that the Respondents had shortlisted 306 candidates against 342 vacancies for the post of TGT, Arts in EMRSs and the Appellant was one of them. It was submitted that even after the Appellant was held ineligible by way of the email dated 24.06.2024, the vacancy was available for the post of TGT, Arts.

11. Having considered the submissions of the learned Counsel for the Appellant, we note that the following point for consideration has been framed in the Impugned Judgement:

“Whether the diploma qualifications, held by all the petitioners in W.P.(C) 11919/2024, and some of the petitioners in W.P.(C) 10731/2024 and W.P.(C) 11129/2024, qualify as “Degree in Fine Arts/Crafts from a Recognized University”.

12. The learned Single Judge has observed that the prescribed qualification required “*Degree in Fine Arts/Crafts from a recognized university*” and relied upon the definition of the University under the University Grants Commission Act, 1956 (“UGC Act”):

“2 (f) “University” means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.”

13. Further, Section 22 of the UGC Act provides that the right to confer or grant degree shall be exercised only by a University established or



incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under Section 3 of the UGC Act or an institution specially empowered by an Act of Parliament to confer or grant degrees. Further, it confers right on the University Grants Commission (“UGC”) to issue notification specifying the meaning of “degree” with the previous approval of the Central Government. Section 22 of the UGC Act reads as under:

“22. (1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, “degree” means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the official Gazette.”

14. Accordingly, the UGC has been issuing the notification from time to time specifying the degrees that would be considered valid for the purpose of UGC Act. The essential qualification for TGT, Art is “*degree in Fine Arts/Craft*”. In the context of Fine Arts qualification, the UGC has only recognized professional qualification of BFA and not B.A. or M.A. degrees in the general stream, even if the said degrees are in Fine Arts. The UGC has in the Model Curriculum – Visual Arts published in the year 2001 specified the distinction between the general stream and professional stream and has clarified that the professional stream in Visual Arts comprises the Bachelor’s degree and Master’s degree in full-fledged form and will not



include the B.A. or M.A. general stream opting Visual Art as one of the subjects.

15. Accordingly, it was the case of Respondent No. 1 before the learned Single Judge that the candidates, who have completed the degree in professional stream can only be considered for the job opportunities. As the Appellant did not hold the degree in Fine Arts/Crafts from the recognized university, his qualification has not been included in any notification issued by the UGC under Section 22 of the Act. Since the Appellant holds a Diploma from Pracheen Kala Kendra, Chandigarh, he did not have a requisite qualification of holding a Degree in Fine Arts/Crafts from a recognized university as rightly held in the Impugned Judgement.

16. The Impugned Judgment has also held that Pracheen Kala Kendra does not fall within the definition of “*recognized university*” as prescribed under the provision of UGC Act. As the degree must be obtained from a recognized university, the Appellant did not fulfil that requirement as well.

17. As regards the submission of the Appellant that Respondent No. 1 in similar other cases involving appointments to the post of TGT, Arts, accepted similar certification issued by universities drawing equivalence between B.A. and M.A. degrees, the learned Single Judge in the Impugned Judgement has rightly held that this submission could not stand in view of the clear requirement of a Degree in Fine Arts/Crafts from a recognized University. Since Diplomas are not equivalent to Degrees, the submission of the Appellant cannot be accepted.

18. Further, the Impugned Judgment has examined the question of equivalence between the degree and diploma by holding that it is best left to the employer as held by the Supreme Court in ***Mukul Kumar Tyagi v. State***



of *U.P.*, (2020) 4 SCC 86 and *Zahoor Ahmad Rather v. Imtiyaz Ahmed*, (2019) 2 SCC 404 as observed in the Impugned Judgment. The learned Single Judge has also relied upon the decision of this Court in *Ankit Kumar v. National Education Society for Tribal Students & Anr.*, W.P.(C) 13463/2024 decided on 25.09.2024, which held that in absence of any material before the Court, when the Court does not have expertise to rule on the equivalence of the degree, the judicial review cannot expand to deciding equivalence of prescribed qualification and it is the domain of the employer, who advertises the posts in question. As rightly held by the learned Single Judge in the Impugned Judgment, the Court's interference is called only if the employer's decision shows arbitrariness or unreasonableness. As in the present case, there is no such arbitrariness or unreasonableness in the view taken by NESTS, no relief can be granted to the Appellant.

19. The submission of the Appellant regarding the certification issued by Pracheen Kala Kendra that the Diploma of Chitra Visharad in the subject of Fine Arts is awarded on the same pattern as Sangeet Visharad (B.Mus.) and, therefore, is to be treated as equivalent to BFA also cannot be accepted as the advertisement issued by NESTS did not permit the Diploma holders to apply and the certification issued by the institution itself, which granted the diploma stating that the diploma is equivalent to a degree, cannot be held to be binding on NESTS as rightly held by the learned Single Judge in the Impugned Judgment.

20. As regards the submission of the Appellant that the Navodaya Vidyalayas permit diploma holders to apply for permission of TGT, Arts and EMRSs being on the same pattern as Navodaya Vidyalayas, it ought to follow the same practice, cannot be accepted as NESTS is not bound to



follow the Navodaya Vidyalaya pattern in setting the qualification of its teachers and the Appellant having participated in the recruitment process on the basis of qualifications specified in the advertisement issued by NESTS, the plea of the Appellant to follow the Navodaya Vidyalaya pattern cannot be accepted at this stage as rightly held in the Impugned Judgment.

21. As regards the issuance of appointment letter to the Appellant, the same was based on representation by the Appellant that he held a degree in Fine Arts/Crafts from a recognized university. In any event, the appointment letters were provisional in nature and subject to verification of the documents. Similarly, the final letter of appointment was also subject to further verification of documents. Accordingly, the learned Single Judge in the Impugned Judgment has rightly held that NESTS is not bound by those letters, when the qualifications were found to be at variance with the representations of the Appellant in his application.

22. Accordingly, we entirely concur with the analysis and finding in the Impugned Judgment and for the reasons stated above, we are of the considered opinion that the Impugned Judgment does not require any interference in this Appeal.

23. In view of the above, the present Appeal along with the pending applications stand dismissed. There shall be no orders as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 10, 2026

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