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

Reserved on: 15.10.2025
Pronounced on: 09.12.2025

\+ **W.P.(C)16740/2022 & CM APPL. 52832/2022**

MS. RAJNI SAINI & ORS. .....Petitioners

Through: Ms. Anu Bagai and Ms.Aanchal Pundir, Advs.

versus

STATE COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING ... Respondent

Through: Mrs. Avnish Ahlawat, Standing Counsel with Mr. Nitesh Kumar Singh, Ms. Aliza Alam and Mr.Mohnish Sehrawat, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed, challenging the Order dated 16.08.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. 2123/2022, titled ***Rajani Saini & Ors. v. State Council of Educational Research & Training*** (hereinafter referred to as, the 'Impugned Order'), whereby the O.A. filed by the petitioners herein was dismissed.

FACTS OF THE CASE

2. The brief facts leading to the filing of the present petition are that the petitioners were engaged as Contract/Guest Lecturers by the

respondent, State Council of Educational Research and Training (hereinafter referred to as, 'SCERT'), Delhi, pursuant to Advertisements issued from time to time between the years 2008 and 2017.The petitioners continued to work at the said post for several years with their contracts extended periodically, till March 2022.

3. At the time of their appointment, the essential educational qualification for the post of Lecturer, as prescribed under the Recruitment Rules of the respondent, was a Master's Degree with B.Ed. or M.Ed.

4. Subsequently, *vide* Notification F.No.12(279) /CSC/Acad. /SCERT/12-13/62-68, dated 05.12.2018, the Government of NCT of Delhi issued guidelines for restructuring Teacher Education institutions under Delhi-SCERT and District Institute of Education and Training (hereinafter referred to as, 'DIETs'), stipulating in Clause 13 that the existing faculty not meeting the minimum qualifications would be granted a maximum period of three years to upgrade their qualifications, during which they would continue to hold their current posts.

5. In pursuance of the said restructuring, the respondent notified the *SCERT Delhi Academic Posts (Assistant Professor) SCERT and DIET Regulations, 2019* on 23.10.2019, prescribing higher qualifications, including National Eligibility Test (NET)/Ph.D., for appointment to the post of Assistant Professor, while reserving the power to relax the said qualification requirements in appropriate cases. The Regulations also provided that the maximum age limit for direct recruits was 45 years.

6. These qualifications were subsequently amended *vide* notification dated 05.06.2020, prescribing therein the proposed subjects for NET/Ph.D. for the post of Assistant Professor.

7. The petitioners, accordingly, commenced preparations for acquiring the necessary qualification, including registering and preparing for the UGC-NET examination. However, due to the unprecedented COVID-19 pandemic and resultant nationwide restrictions and lockdowns, the conduct of examinations and academic activities remained severely disrupted between March 2020 and early 2022, leaving the petitioners unable to complete the eligibility requirements within the prescribed period.

8. *Vide* Notification dated 09.11.2021, the respondent notified that it had undertaken an exercise to examine the eligibility of the existing Contract and Guest Lecturers as per the Recruitment Rules for transition to the post of Assistant Professor. Accordingly, a list determining eligibility was formulated which indicated the petitioners as 'not eligible' for the post of Assistant Professor. In furtherance of this, those who met the prescribed qualifications were transitioned to the post of Assistant Professor *vide* Order dated 30.11.2021.

9. Despite the unprecedented circumstances created due to COVID-19, the petitioners were not granted any further extensions to acquire the required eligibility conditions, and therefore, their names were omitted from the list of lecturers whose contracts were extended.

10. It is the case of the petitioners that they made several representations to the authorities, seeking sympathetic consideration of their long tenure of service and relaxation on account of the impact

of the COVID-19 pandemic. However, no relief was granted to them.

11. Aggrieved by the same, the petitioners filed the above O.A., *inter alia* praying for relaxation in the eligibility requirement and conferring on them a permanent status. They made the following prayers in the O.A.:

> *"a. For seeking directions to the Respondent to formulate a scheme for regularizing the services of the Applicants working as Contract and Guest Lecturers, after eligibility relaxation, so as to confer on them a permanent status; and*
> *b. To direct the Respondent to grant all consequential benefits to the Applicants from the date of their joining; and*
> *c. To direct the Respondent to fill up future vacancies within six months of their occurrence, to avoid contractual arrangements in future; and*
> *d. To set aside notification bearing No. U.O. No. F3(II)/SCERT/Admn./Contractual/13-14/8062 dated 09.11.2021, to the extent it declares the candidature of the Applicants as "Not Eligible"; and*
> *e. To further extend the tenure of employment of the Applicants till their regularization; and*
> *f. To direct the Respondent to consider the candidature of the Applicants in Notification No.3(1)/SCERT/Admn./Cont./Lect./2018/8698-8746 and 3(1)/SCERT/Admn./Cont./Lect./2018/8667-97, each dated 30.11.2021, after formulating a scheme for their transition to the post of Assistant Professor (Contract); and*
> *g. To pass such other order(s) or direction(s) as may be deemed fit and proper in the facts and circumstances of the case, considering the effect of the administrative delay on the Applicants' careers."*

12. The learned Tribunal, *vide* the impugned order dated

16.08.2022, dismissed the above-mentioned O.A., holding as under:

> *"6. We have heard both the learned counsel at length. As conceded by the learned counsel for the applicants the applicants do not possess the qualifications currentlyprescribed for appointment to the post of Assistant Professor. The respondents were well within their right to· prescribe anyqualification that they feel appropriate when regularappointments are being resorted to from the open market. For any open market recruitment, no relaxation of qualificationcan be provided nor can the respondents be directed to waitfor the contractual employees to acquire the newqualifications. We appreciate the fact that the applicantshave put in long years of contractual employment with therespondent and may become over-age after they acquire theprescribed qualifications. As and when they acquire these qualifications, they are given liberty to file a fresh O.A. for thepurpose of age relaxation, if they so desire.*
> *7. In view of the above facts and circumstances, the OA isaccordingly dismissed with liberty as aforesaid."*

13. Aggrieved thereby, the petitioners have filed the present Writ Petition, challenging the Impugned Order passed by the learned Tribunal with the following prayers:

> *"a) Allow the instant Writ petition m favour of thePetitioners and against the Respondent and thereby setaside the order passed by the Central AdministrativeTribunal, New Delhi dated 16th August, 2022 in O.A no.2123/2022.*
> *b) On granting prayer (a) above, to allow the OA no.2123/2022 in terms of its prayer clause.*
> *c) To direct the Respondent to extend the contract of thePetitioners at the post of Lecturer and grant extension of time to acquire the necessary eligibility condition fortransition to the post of Assistant Professor in view of the*

facts and circumstances of the present case.
d) Pass such further or other order that this Hon'ble Court deem fit and proper in the facts of the present case."

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

14. The learned counsel for the petitioners submits that the learned Tribunal failed to appreciate that the petitioners were appointed as Contractual and Guest Lecturers against duly sanctioned posts after a proper selection process conducted by the respondent- SCERT and had been continuously working for several years without any break or adverse remarks. It is contended that such long and uninterrupted service creates a legitimate expectation of continuity, especially when the petitioners have been discharging identical duties as those subsequently re-designated under the post of Assistant Professor.

15. It is further submitted that the notification dated 05.12.2018 issued by the Government of NCT of Delhi clearly stipulated in Clause 13 that existing faculty members who did not possess the revised qualifications would be given three years' time to acquire the same. However, the respondent failed to extend such benefit in practice.

16. The learned counsel submits that the Recruitment Rules have been amended multiple times in a short span, that is, on 23.10.2019, 05.06.2020, and again in September 2022, each time altering the essential qualifications, including the subject requirement for NET and Ph.D. It is the case of the petitioner that some of the petitioners, like

the Petitioner no. 9 became ineligible only after the eligibility qualifications were amended in 2020. However, despite the multiple amendments, the respondent had declared the petitioners 'Not Eligible' for the post of Assistant Professor *vide* Notification dated 09.11.2021, even before the expiry of the relaxation period reckoned from the date of the amended Recruitment Rules.The respondent has, therefore, erroneously computed the said three-year period from the date of the restructuring notification, that is, 05.12.2018, instead of from the date of amendment of the Recruitment Rules on 05.06.2020, thereby depriving the petitioners of their rightful opportunity to meet the eligibility criteria.

17. It is also contended that such repeated and retrospective changes in eligibility conditions violate the settled principle that the "rules of the game cannot be changed midstream," as laid down by the Supreme Court in ***Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors.,*** 2024 INSC 847.

18. It is further urged that the petitioners could not complete the required qualifications within the prescribed period, solely due to extraordinary circumstances arising out of the COVID-19 pandemic, which resulted in the cancellation and postponement of UGC-NET examinations. The NET examinations are, under normal circumstances, held twice a year. However, it was conducted only once during the period from December 2020 to March 2022.

19. The learned counsel submitted that in view of these circumstances, the respondent ought to consider the petitioner's prayer sympathetically, however, the respondent failed to consider these

force majeure conditions and the consequent impossibility of compliance, thereby acting arbitrarily and in violation of Articles 14 and 16 of the Constitution of India.

20. It is contended that the insistence on the newly prescribed qualifications, despite the petitioners' extensive experience and proven teaching competence, amounts to an unreasonable and disproportionate classification. The respondent's action, in effect, places a higher value on formal qualifications than on actual experience, which runs contrary to the principles of fairness and equity in public employment.

21. The learned counsel further submitted that several petitioners, including petitioners no. 2, 5, and 9, have since acquired the requisite qualifications and are now fully eligible for appointment as Assistant Professors. However, the respondent has failed to consider their cases, thereby perpetuating discrimination between similarly situated persons.

22. It is also urged that the respondent's conduct amounts to changing the service conditions of employees unilaterally, without affording a fair opportunity or transitional arrangement, contrary to the doctrine of promissory estoppel and legitimate expectation, as recognized in ***Namita Khare &Anr. v. University of Delhi & Ors.,*** 2025 SCC OnLine Del 4891 and ***Union of India & Anr. v. Shilpi Gupta,*** 2025 SCC OnLine Del 4478.

23. The learned counsel lastly submitted that the petitioners, having spent the prime of their professional life in the service of the respondent institution, have now become age-barred for direct

recruitment. To discontinue them at this stage, despite their long-standing meritorious service, would not only be inequitable but would also amount to exploitation of their services under the cover of contractual engagement, contrary to the principles laid down by the Supreme Court in ***Jaggo v. Union of India & Ors.,***2024 SCC OnLine SC 3826.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENT

24. The learned counsel for the respondent submitted that the petitioners, though engaged as Contractual and Guest Lecturers, were never appointed against permanent sanctioned posts, but were re-engaged from time to time purely on need basis.

25. It is contended that upon the restructuring of SCERT and DIETs, *vide* notification dated 05.12.2018, the respondent duly adopted the UGC Regulations, 2018 regarding pay scales, qualifications, and recruitment norms, and extended a fair opportunity to all existing contractual faculty to acquire the prescribed qualifications within three years' time from the said date.

26. The learned counsel for the respondent submitted that the SCERT is not liable to provide a 3-year benefit to the petitioners from 05.06.2020 as sufficient opportunity to acquire the essential qualifications was provided from 2018 to 2021.

27. It is further submitted that several contractual and guest lecturers who fulfilled the requisite qualifications within the prescribed period were accordingly transitioned to the post of

Assistant Professor with effect from 01.12.2021, in accordance with the rules and policy of SCERT. A list dated 30.11.2021 containing the names of such eligible faculty members was duly published. The petitioners, however, failed to acquire the prescribed qualifications within the given timeframe, despite being granted an additional three-month relaxation beyond the initially granted three-year period.

28. The learned counsel submitted that the petitioners' plea regarding the lack of opportunity to appear for the UGC-NET examination is misplaced. It was pointed out that since the restructuring notification of 05.12.2018, the UGC had conducted the NET examination four times; twice in 2019 (June and December), once in 2020 (September), and once in 2021 (November), thus affording the petitioners ample opportunities to fulfill the eligibility conditions. It was further submitted that the petitioners' failure to acquire the required qualifying conditions within the extended period cannot be attributed to any alleged lack of opportunity.

29. It is further urged that the petitioners, being contractual and guest faculty, possessed no vested right to seek regularization or continuity in service. The learned counsel relies upon the judgment of the Kerala High Court in ***Resmi R.S. & Ors. v. Government of India & Ors.***, (2019) SCC OnLine Ker 2649, wherein it was held that contractual employees have no legal right to continue beyond the term of their contract or to claim regularization merely by virtue of their continued service.

30. The learned counsel for the respondent also contended that the restructuring exercise was carried out strictly in accordance with UGC

Regulations, and only those who met the prescribed qualifications were transitioned to the newly created posts of Assistant Professor. The petitioners' engagement came to a natural end upon the expiry of the contractual period, and no vested or statutory right was infringed.

31. The learned counsel submits that the plea of hardship on account of the COVID-19 pandemic is untenable, as several other lecturers successfully obtained the requisite qualifications during the same period and were accordingly transitioned. The petitioners' inability to do so cannot be a ground to dilute the eligibility standards that are uniformly applicable across all faculty members.

32. It is also contended that the post of Lecturer held by the petitioners stands abolished following the restructuring, and the post of Assistant Professor is distinct in terms of duties, specialization, and pay scale. Hence, no parity can be claimed between the two cadres. The doctrine of 'legitimate expectation' or 'promissory estoppel' is therefore inapplicable in the present context.

33. The learned counsel further submits that the petitioners' contended that they appeared for the NET examination only after being declared ineligible. The same reveals their own lack of diligence. The present Writ Petition, therefore, amounts to an attempt to circumvent the statutory recruitment framework and to secure benefits not legally due.

34. It is lastly urged that the respondent, being the competent authority, is fully empowered to frame, amend, or modify recruitment rules in the interest of maintaining academic standards. The petitioners cannot challenge such policy decisions merely on the ground that they

have been adversely affected. The respondent acted bona fide and strictly within the bounds of law.

35. The learned counsel for the respondent placed reliance on a series of Judgments to substantiate his submissions. He referred to ***Secretary, State of Karnataka & Ors. v. Umadevi (3) & Ors***., (2006) 4 SCC 1; ***Official Liquidator v. Dayanand & Ors***., (2008) 10 SCC 1; ***Sonia Gandhi v. Govt. of NCT of Delhi***, 2013 SCC OnLine Del 4419; ***Ganesh Digamber Jambhrunkar & Ors. v. State of Maharashtra & Ors.,*** 2023 SCC OnLine SC 1417; ***Oil and Natural Gas Corporation v. Krishan Gopal& Ors.***, 2020 SCC OnLine SC 150; ***Union of India & Ors. v. Ilmo Devi &Anr.***, (2021) 20 SCC 290; ***State of Karnataka & Ors. v. M.L. Kesari & Ors.***, (2010) 9 SCC 247; ***State of Rajasthan & Ors. v. Daya Lal & Ors.,*** (2011) 2 SCC 429; ***Secretary to Government, School Education Department, Chennai v. R. Govindaswamy & Ors***., (2014) 4 SCC 769; ***Amarkant Rai v. State of Bihar& Ors.,*** (2015) 8 SCC 265; and ***Sheo Narain Nagar & Ors. v. State of Uttar Pradesh & Anr***., (2018) 13 SCC 432, to support his submissions.

ANALYSIS AND FINDINGS

36. We have considered the submissions made by the learned counsel for the respective parties.

37. The limited issue before this court is whether persons lacking the prescribed essential qualifications (NET/Ph.D.) be granted extension of time to acquire these qualifications, and be allowed to continue as lecturers under SCERT, on the basis of their long

contractual service and past experience.

38. At the outset, this Court is conscious of the fact that with evolving academic standards and institutional reforms, it becomes necessary for the State, as an employer, to periodically upgrade the qualifications and eligibility criteria for public employment. Such measures are a part of a sound public policy, intended to improve the quality of education and administration. Particularly in the case of teaching, there can be no compromise on academic merit. The State bears a higher responsibility to ensure that only the most competent, knowledgeable, and duly qualified persons are entrusted with teaching responsibilities. Teaching as a profession stands upon the pillars of knowledge, skill, and integrity, and therefore, any relaxation in essential qualifications would be contrary to the very object of maintaining academic excellence and cannot be permitted.

39. The judgments relied upon by learned counsel for the petitioners primarily deal with cases concerning regularization of daily wagers and Class-IV/MTS employees. This Court is fully conscious of the principles enunciated in ***Jaggo*** (supra) and ***Sripal & Anr. v. Nagar Nigam, Ghaziabad,*** 2025 INSC 144; however, the present case stands on an entirely different footing. The issue here does not pertain to the low-skilled or non-academic staff but to teaching professionals and Assistant Professors, where the standards of qualification and merit are of paramount importance. The ratio of those decisions, therefore, cannot be extended to the petitioners' case, as regularization of teaching posts without adherence to essential qualifications would run contrary to settled law and public interest.

40. On the other hand, this Court cannot overlook the fact that the petitioners have rendered long and continuous service with the respondent institution. The repeated renewal of their contractual engagements clearly indicates that their work, conduct, and performance were satisfactory and that their services were continuously required by the respondent. The Court also takes note of their sustained association and loyalty towards the institution, as well as the fact that several of them may now have crossed the maximum age limit for direct recruitment, which undoubtedly places them at a disadvantageous position.

41. This Court is also not unmindful of the extraordinary circumstances brought about by the COVID-19 pandemic, which impeded the petitioners' ability to pursue further qualifications and gives a distinct complexion to the matter. The pandemic resulted in unprecedented disruptions to academic activities, examinations, and institutional functioning across the country. Admittedly, the NET Examination was also not held regularly. Although the NET examination was conducted during the period from 2019 to 2021 and some individuals were able to upgrade their qualifications, the impact of the pandemic was not uniform, and the petitioners could be among those who faced significant personal and professional constraints during that period. In this backdrop, we are of the view that the age bar that the petitioners would now encounter is not out of their own volition.

42. We are also of the view that the contention of the respondent that the SCERT was not liable to provide a 3-year benefit to the

petitioners from 05.06.2020 as sufficient opportunity to acquire the essential qualifications was provided from 2018 to 2021 is misplaced. The benefit of three-year period for acquiring the essential qualifications was not effectively extended to the petitioners by the respondent as the requirement of NET Examination qualification 'in any school subject' was made mandatory for the first time *vide* notification dated 23.10.2019.

43. It is also relevant that the petitioners have rendered long years of service and have now crossed the upper age limit prescribed for direct recruitment to the post of Assistant Professor. In these circumstances their case warrants due consideration.

44. It is pertinent to note that Clause 5 of the relevant Regulations clearly stipulates that the respondent possesses the authority to relax the provisions thereof. The said clause is extracted herein below:

> *"Clause 5: Power to relax: Where the Executive Committee, SCERT is of the opinion that it is necessary or expedient so to do, it may, by order, for the reasons to be recorded in writing, relax any of the provisions of these regulations with respect to any class or category of the persons"*

45. The existence of this express power to relax indicates that the Regulations themselves contemplate situations where strict enforcement may be dispensed with. Given the unique facts of the present case, the long and satisfactory service of the petitioners, the pandemic-induced disruptions, the successive amendments to eligibility criteria during the relaxation period, and the fact that several petitioners have already acquired the requisite qualifications, this

Court is of the view that the present case warrants the exercise of such discretionary power.

46. Accordingly, this Court finds it appropriate to grant an extension window of one year to the petitioners to enable them to upgrade their qualifications in accordance with the prescribed eligibility conditions.

CONCLUSION

47. In view of the foregoing discussion and having regard to the peculiar facts and circumstances of the case, this petition is partly allowed, confined to prayer (c) of the petitioners before this Court.

48. Accordingly, the respondent is directed to grant to the petitioners a further period of one year to acquire the requisite eligibility qualifications for transition to the post of Assistant Professor. Further, the petitioners who, in the meantime, have acquired the requisite qualifications shall be duly considered by the respondentin accordance with law and on the same conditions as were applicable to those faculty members who were transitioned vide Notification dated 30.11.2021, without any discrimination against them on account of the delay caused in acquiring the requisite qualifications.

49. The respondent shall take necessary steps in compliance with this Judgment within eight weeks from the date of its pronouncement.

50. The benefit of this judgment shall be confined only to the petitioners herein and to those who are agitating same issues in any other forum.

51. The Writ Petition is, accordingly, partly allowed in the above terms and the pending application stands disposed of accordingly.

52. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

DECEMBER 09, 2025/*RM*