



2025:DHC:519-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 60/2025 and CAV 10/2025, CM APPLs. 177/2025 &
178/2025

NAVODAYA VIDYALAYA SAMITIPetitioner

Through: Mr. Ashok Kumar Poddar,
Advocate

versus

NIDHI RANI AND ORSRespondents

Through: Mr. K. Venkatraman and Mr.
Avinash, Advocates

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AMIT MAHAJAN

JUDGMENT (ORAL)

% **07.01.2025**

C. HARI SHANKAR, J.

1. Respondents 1 to 10 in the present writ petition were the applicants before the Central Administrative Tribunal¹ in OA 683/2023².

2. The Navodaya Vidyalaya Samiti³ issued, on June-July 2022, an advertisement, inviting applications for various posts. The respondents applied for the post of Teacher in Art⁴. The essential and desirable

¹ "the Tribunal" hereinafter

² **Nidhi Rani v Department of School Education & Literacy & others**

³ "NVS" hereinafter

⁴ "Art Teacher" hereinafter



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qualifications for the post of Art Teacher, as per the advertisement, were as under:

Essential Qualifications

“Four years Recognized Diploma in any discipline of Fine Arts as Drawing/Painting/Sculpture/Graphic Arts/Crafts after passing Senior Secondary Examination (Class XII or equivalent)

OR

Five years Recognized Diploma in any discipline of Fine Arts as Drawing/Painting/Sculpture/Graphic Arts/Crafts after passing Secondary Examination (Class X or equivalent)

OR

Degree in Fine Arts/Crafts from a recognized University

OR

B. Ed. Degree in Fine Arts from Regional College of Education.

Desirable Qualifications

- “(i) B. Ed. Degree
- (ii) Working knowledge of English and Hindi or other Regional Language.
- (iii) Experience of Working in a residential School.
- (iv) Working knowledge of Computers.”

3. Despite successfully clearing the written test, the respondents were not allowed to participate in the interview for the post of Art Teacher, on the ground that they did not possess the prescribed Essential Qualifications. The educational qualifications of the respondents were as under:



Respondent No	Name	Bachelors' Degree	Masters' Degree
1	Nidhi Rani	Bachelor of Arts	Master of Fine Arts
2	Reeta Sharma	Bachelor of Arts	MA (Drawing & Painting)
3	Rashmi Gangwar	Bachelor of Arts	B. Ed. MA (Drawing & Painting)
4	Vishal Jangid	Bachelor of Arts	Master of Arts
5	Kapil Kumar Kasana	Bachelor of Science (Textile Design)	Master of Arts (Fine Arts)
6	Savan	Bachelor of Arts	Master of Arts (Visual Arts)
7	Shreya Malviya	Bachelor of Arts	MA (Drawing & Painting) NEET Degree
8	Pratibha	Bachelor of Arts	Master of Arts (Fine Arts) B. Ed.
9	Durgesh Kumari	Bachelor of Arts	MA (Drawing & Painting) B. Ed.
10	Anu Rai	Bachelor of Arts	MA (Drawing & Painting) B. Ed.

4. Aggrieved thereby, the respondents approached the Tribunal.



5. In the counter-affidavit filed before the Tribunal by way of response to the OA, the petitioner alleged that the respondents did not possess the requisite qualifications for appointment as Art Teacher.

6. The Tribunal, in the impugned judgement dated 6 August 2024, has framed the issue arising for consideration as “whether Bachelors’ Degree in Arts can be equated to that of “Degree in Fine Arts/Crafts” for the post of teacher in Art”, and also mooted the issue of the consequence of the respondents “having higher qualification of ‘Master’s Degree in Art”.

7. The impugned judgment of the Tribunal is, unfortunately, bereft of any modicum of independent reasoning. Having thus framed the issue arising for consideration in para 14 of its judgement, the Tribunal proceeds to reproduce paras 26 and 34 of the report in *Anand Yadav v State of U.P.*⁵ and para 37 of the report in *Puneet Sharma v Himachal Pradesh State Electricity Board Ltd*⁶ in paras 15 and 16 and conclude thus, in para 17:

“17. In view of above analysis and discussions, we dispose of this OA with directions to the respondents to process the candidature of all applicants, including the degree holders who participated and were shortlisted for interview and depending on the relative merits, after holding interviews, proceed to issue the final selection list of all successful candidates. The interim order(s) is made absolute till final results of interview are declared and finalized. The above exercise be completed within period of three months from the date of this order. All pending applications, if any, are also disposed of.”

⁵ (2021) 12 SCC 390

⁶ AIR 2021 SC 2221



8. We have heard Mr. Ashok Kumar Poddar, learned counsel for the petitioner and Mr. Venkatraman, learned counsel for the respondents at length.

9. In our considered view, the Tribunal did not properly identify the issue arising before it for consideration. Nor, consequently, can the impugned judgement sustain on the anvil of the judgements in *Anand Yadav* and *Puneet Sharma* on which the Tribunal relies. Nonetheless the final conclusion arrived at by the Tribunal would sustain, albeit for different reasons.

10. The Essential Qualifications were, in the alternative,

- (i) 4/5 year Diploma in any discipline of Fine Arts, *as Drawing/Painting/Sculpture/Graphics Arts/Crafts* which none of the respondents possessed, or
- (ii) B. Ed. Degree in Fine Arts from the Regional College of Education which, too, none of the respondents possessed, or
- (iii) *Degree in Fine Arts/Crafts from a recognized University.*

11. Qualification (iii), as contained in the advertisement, did not stipulate whether the Degree was to be a Bachelor's Degree or a Master's Degree. Either would, therefore, clearly suffice.

12. Further, the advertisement also clarified that Drawing, Painting, Sculpture, Graphic Arts and Crafts were all "Fine Arts".



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13. A Degree, whether Bachelor's or Master's, in any one of these fields would, therefore, qualify as a "Degree in Fine Arts".

14. There is no dispute that the Universities from where the respondents obtained their Degrees were recognized.

15. Mr. Venkataraman has pointed out that all the respondents, except Vishal Jangid and Savan, possess Master's Degrees either expressly in Fine Arts or in Drawing and Painting.

16. Inasmuch as all the candidates, except Vishal Jangid and Savan, either possess Master's Degrees in Fine Arts or in Drawing and Painting, which are also Fine Arts as per the advertisement, said candidates are clearly eligible for selection as Arts Teachers.

17. Vishal Jangid and Savan cannot be regarded as eligible, as they do not possess *any* Degree expressly in Fine Arts or in any of the Disciplines of Fine Arts identified in Condition (i) in the advertisement (dealing with Diplomas).

18. As such, save and except, for Vishal Jangid and Savan, we are of the opinion that all the respondents were entitled to the relief granted by the Tribunal.

19. Resultantly, we uphold the decision of the Tribunal in respect of all the aspects before it except for Vishal Jangid and Savan.



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20. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AMIT MAHAJAN, J.

JANUARY 7, 2025/yg

Click here to check corrigendum, if any