



2025:DHC:5461-DB



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

Date of decision: 09.07.2025

+ LPA 343/2025
NAVNEET

.....Appellant

Through: Mr.Subodh K. Pathak,
Mr.Vinod Soni & Mr.Abhijeet
Saxena, Advs

versus

UNION OF INDIA, THROUGH SECRETARY MINISTRY
OF TRIBAL AFFAIRS & ANR.Respondents

Through: Ms.Shubhra Parashar,
Mr.Virender Pratap Singh
Charak, Mr.Satyam Kumar &
Mr.Rahul Kumar Sharma, Advs
for UOI
Mr. Amartya Ashish Sharan &
Mr. Akash Kishore for NESTS

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 31212/2025 (Exemption)

1. Allowed, subject to all just exceptions.

LPA 343/2025 & CM APPL. 31211/2025 & 31217/2025

2. This appeal has been filed challenging the Order dated 23.10.2024 passed by the learned Single Judge of this Court, in WP(C) 11849/2024, titled *Navneet v. Union of India and Anr.*, dismissing the Writ Petition filed by the appellant herein as being bereft of any merit.



3. To give a brief background of the facts in which the present appeal arises, the appellant applied for the post of TGT (Maths) in the EMRS Staff Selection Exam (ESSE-2023). The appellant admittedly was holding a bachelor's degree in Mathematics, having studied the subject of Maths along with Computer Science and Statistics. He did not study Physics in his bachelor's degree.

4. The advertisement, on the other hand, for the said post prescribed the following educational qualification:-

<i>Post</i>	<i>Age limit</i>	<i>Qualification and Experience</i>
<i>TGT (English/ Hindi/ Third Language/ Mathematics/ Science/ Social Science).</i>	<p><i>Not exceeding 35 years.</i></p> <p><i>Age relaxation for SC/ST/OBC and other categories as applicable under the Govt. of India Rules.</i></p> <p><i>Up to 55 years for EMRS employees*</i></p>	<p><i>ESSENTIAL QUALIFICATION:</i></p> <p><i>Four years integrated degree course of Regional College of Education of NCERT recognized institution in concerned subject.</i></p> <p><i>Or</i></p> <p><i>Bachelors Honors Degree in the concerned subject. Candidate should have studied requisite subjects for at least 2 years in the 03 years degree course</i></p> <p><i>Or</i></p> <p><i>Bachelor's Degree from a recognized University/Institute in concerned subject. The candidate should have studied the requisite subjects in all three years of degree course.</i></p> <p><i>Note:</i></p> <p><i>xxxxxxx</i></p> <p><i>c) For TGT (Maths):</i></p> <p><i>(1) Bachelors Degree in Mathematics along with Physics and any one of the following subjects: Chemistry, Electronics, Computer Science, Statistics.</i></p> <p><i>(ii) In case of such Universities which provide for only two subjects</i></p>



		<p>out of the six as mentioned above in the final year of graduation, the candidate should have studied Maths and Physics in the final year of examination and three subjects, viz, Maths, Physics and Chemistry/Electronics / Computer Science / Statistics in the first and second years of graduation.</p> <p>(iii) Candidates who have passed B.Sc. degree with Honours in Maths subject would be considered eligible only if they have studied Physics and Chemistry Electronics/Computer Science / Statistics in any of the two years of the course. Candidates with B.Sc. (Hons.) in Physics or Chemistry are not eligible for the post of TGT (Maths).</p> <p>mistry Electronics/Computer Science / Statistics in any of the two years of the course. Candidates with B.Sc. (Hons.) in Physics or Chemistry are not eligible for the post of TGT (Maths).</p>
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5. A reading of the above would clearly show that the candidate must have studied Physics as one of the subjects to be qualified for the said post.

6. The appellant, having been unsuccessful in the selection process, challenged the same by way of the above-mentioned Writ Petition.

7. As noted hereinabove, the Writ Petition has been dismissed by the learned Single Judge of this Court, observing as under:

“12. A bare perusal of the essential educational qualification stipulated in the



Information Bulletin and as extracted in the earlier part of this judgment leaves no trace of doubt that for TGT (Maths), the requisite qualification was Bachelors Degree in Maths 'along ' with Physics and the option was only with respect to any one of the subjects viz. Chemistry/Electronics/ComputerScience/Statistics. It was further stipulated in Clause (c)(ii) that incase of Universities which provide only two subjects out of the 1x mentioned in Clause (c)(i) in the final year of graduation, candidate should have studied Maths and Physics in the final year and three subjects viz. Maths, Physics and Chemistry/Electronics/Computer Science/Statistics in the first and second years of graduation. From a conjoint reading of the two clauses, it is clear that Physics was a mandatory subject along with Maths and it is not correct for the Petitioner to argue that Physics was optional. Admittedly, Petitioner has not studied Physics in his Bachelors Degree Course in Maths and was, therefore, rightly declared ineligible for the post of TGT (Maths). The alternative argument of the Petitioner that even if Physics was a mandatory subject, Petitioner should be treated to have studied the said subject as he studied Statistics cannot be accepted. The advertisement clearly prescribed Physics as a separate subject which was mandatory and Statistics as a separate subject which was optional. Moreover, Statistics cannot be termed as ' Physics' or vice-a-versa. as the former is not a pure science and is a branch of Applied Mathematics.

13. It is a settled law that laying down essential qualifications for appointment to a post is the prerogative and domain of an employer and falls outside the scope and ambit of judicial review unless there is a n ambiguity in the advertisement or the qualification s stipulated in the advertisement are contrary to the recruitment rules



14. In the present case, it is not the case of the Petitioner that there is ambiguity in the advertisement or that the stipulated essential educational qualifications are contrary to the applicable recruitment rules. It is, therefore, not within the ambit and scope of the power of judicial review of this Court to hold that Physics was an optional subject when the plain language of the advertisement reflects that Physics was a mandatory subject along with Maths for a candidate with Bachelors Degree for the post of TGT (Maths). Therefore, in my view, the impugned decision of NESTS communicated to the Petitioner vide e-mail dated 24.06.2024 does not suffer from any legal infirmity and warrants no interference.”

8. The appellant challenges the above Order in the form of the present appeal.

9. At the outset, we would note that there is a 156 days delay in filing the appeal. The only reason given for the delay is that the appellant, being unemployed and due to his poor background, could not arrange the required funds to file the present appeal. We do not find the above to be a sufficient justification for the considerable delay in filing the appeal, especially as the challenge is to a recruitment process.

10. Be that as it may, we do not even find any merit in the present appeal.

11. The learned counsel for the appellant has submitted that the Impugned Advertisement, insofar as it mandates study of the subject of Physics, is contrary to the Notification dated 29.07.2011 issued by the National Council for Teacher Education (in short ‘NCTE’), laying down the minimum qualification for a person to be eligible for



appointment as a teacher. He submits that in terms of the said Notification, only a graduation with at least 50% marks and a one-year Bachelor in Education (B.Ed.) is the essential qualification. He submits that, therefore, it is only the bachelor's degree in Mathematics that could have been prescribed as a requisite qualification for the post in question. He further places reliance on the Judgment of the Punjab and Haryana High Court in *Union Territory, Chandigarh and Others v. Sakshi Malik and Others*, 2025 SCC OnLine P&H 254, to submit that the above stipulation requiring study of physics in the advertisement, being contrary to the above Notification issued by the NCTE, is liable to be set aside.

12. On the other hand, the learned counsel for the respondents submits that there was no challenge to the advertisement by the appellant in the Writ Petition before the learned Single Judge. The appellant, in fact, participated in the selection process and is now estopped from challenging the same.

13. We have considered the submissions made by the learned counsels for the parties.

14. It is not disputed that the Impugned advertisement for the post of TGT (Mathematics) in no uncertain terms prescribed that the candidate, apart from a bachelor's degree in Mathematics, must have studied Physics and Chemistry/Electronics/Computer Science/Statistics in any of the two years of the course. The appellant participated in the selection process without challenging the above terms. In fact, even in the Writ Petition, this condition was not challenged. Having participated in the selection process, the appellant



was estopped from challenging the same.

15. As far as the reliance on the Notification of the NCTE is concerned, the same again can be of no avail to the appellant. The NCTE Notification lays down the '*minimum qualification*' for a person to be eligible for appointment as a teacher. In our opinion, the same would not debar the respondent from prescribing further conditions for eligibility.

16. As far as the reliance on the Judgment of the Punjab and Haryana High Court in *Sakshi Malik* (supra) is concerned, the advertisement therein was clearly in the teeth of the Notification issued by the NCTE. The Punjab and Haryana High Court, taking into account that the selection process had been completed, read into the advertisement the Bachelor in Elementary Education to be equivalent to the Diploma in Elementary Education for the purposes of appointment as Junior Basic Teachers. While we may have some reservation on the said Judgment, in any case, the said Judgment is not applicable to the facts of the present case.

17. Accordingly, we find no merit in the present appeal. The same along with pending applications, is dismissed, both on delay as also on merits.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 9, 2025/rv/ik