



2025:DHC:3855



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

Decided on 14.05.2025

+ W.P.(C) 3422/2024 & CM APPL. 13997/2024

ANJANA RANI

.....Petitioner

Through: Dr. Ranjeet Bharti, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Virender Pratap Singh Charak,
Ms. Shubhra Parashar, Mr.
Pushpender Pratap Singh,
Advocates for UoI.

Mr. Amartya Ashish Sharan,
Advocate for NESTS.

Mr. Amit Gupta, Mr. Kshitij
Vaibhav, Ms. Muskan Nagpal,
Advocates for R-4.

Mr. Parmanand Gaur, SC with Mr.
Vibhav Mishra, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J (Oral)

1. By way of this writ petition under Article 226 of the Constitution, the petitioner seeks appointment to the post of Trained Graduate Teacher [“TGT”] (Hindi), pursuant to an advertisement issued by respondent No. 2 – National Education Society for Tribal Students, Delhi [“NESTS”] in the year 2023.

2. By way of the said advertisement, NESTS sought to recruit for several teaching and non-teaching posts. As far as TGT (Hindi) is



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concerned, the advertisement prescribed the following essential qualifications:

“Four years integrated degree course of Regional College of Education of NCERT or other NCTE recognized institution in concerned subject.

Or

Bachelors Honors Degree in the concerned subject. Candidate should have studied requisite subjects for at least 2 years in the 03 years degree course.

Or

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.

Note:

Post wise elective subjects and Languages in the combination of subjects are as under:

a) For TGT (Hindi): Hindi as a subject in all the three years of Degree course.

xxxx

xxxx

xxxx

And (for all TGTs)

(B) Passed the Central Teacher Eligibility Test (CTET) conducted by CBSE in accordance with the guidelines framed by the NCTE for the purpose.

*(C) B.Ed. Degree**

**Note:*

B.Ed. degree not applicable for 04 years integrated degree course as mentioned in sub clause (C) above.”¹

3. The petitioner’s application was on the basis that she has a “*Bachelors Degree from a recognized University/institute in concerned subject and the requisite subjects are in all three years of degree course*”, as well as a “*B.Ed. degree*”. For this purpose, she relies upon B.A. degree awarded to her in the year 2014 by the University of Delhi [“DU”], and a

¹ Emphasis supplied.



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B.Ed. degree awarded to her in the year 2015 by Chaudhary Charan Singh University, Meerut.

4. The petitioner was called for document verification by an e-mail dated 31.01.2024. It is her contention that when she went for document verification, she was informed that she was not eligible as she had not studied Hindi in all three years of graduation. Consequently, she addressed a letter dated 09.02.2024 to the respondents, but has not received a response.

5. The petitioner has thereafter filed this writ petition seeking a direction that she be appointed to the post of TGT (Hindi).

6. I have heard Dr. Ranjeet Bharti, learned counsel for the petitioner, and Mr. Amartya Ashish Sharan, learned counsel for NESTS.

7. The petitioner's candidature has been rejected is that she did not study Hindi in all three years of her graduation degree. Factually, this position is admitted in her communication dated 09.02.2024, in which she states that in DU, according to a new curriculum from the year 2004, Hindi and English subjects were studied only for two years, and that she has, therefore, studied Hindi only for two years. Copies of her marksheets in each of the three years of graduation have also been annexed to the writ petition, which clearly show that she had papers in Hindi in the first year and third year of her graduation course, but not in the second year.

8. In this context, the submission of Dr. Bharti is that the petitioner completed her undergraduate degree from DU, and the curriculum offered papers in Hindi only in the first and third years. As such, he submits that it was not due to the choice of the petitioner that she did not study Hindi in all three years, but because DU did not offer the subject in each of the



three years. According to him, the syllabus of DU ought to have been taken into account by NESTS while formulating the essential eligibility criteria.

9. I am unable to accept this submission.

10. The first difficulty in the petitioner's way is that her arguments amount to a challenge to the eligibility conditions after having participated in the process and failed to secure appointment. The Supreme Court in a plethora of judgments, including in *Manish Kumar Shahi v. State of Bihar*², *Ramesh Chandra Shah v. Anil Joshi*³, and *D. Sarojakumari v. R. Helen Thilakom*⁴ has clearly held that such a course is impermissible. The petitioner's application was also premised on having a B.A. Degree in which she had studied Hindi for all three years.

11. Turning to the merits also, I do not find any ground for interference in this writ petition. The eligibility criteria clearly required the candidate to have taken the concerned subject in all three years of graduation. The petitioner's B.A. degree admittedly does not fulfil this requirement. Dr. Bharti's submission that the syllabus of DU ought to have been taken into account while formulating eligibility conditions is misconceived. Different universities have different syllabi; each may offer a particular subject for different durations of time. An employer, particularly one which is recruiting all over the country, cannot be expected to tailor its eligibility criteria to the course structure or syllabus of a particular university or a particular course.

12. Dr. Bharti relied upon a Division Bench judgment of this Court in

² (2010) 12 SCC 576, paragraph 16.

³ (2013) 11 SCC 309, paragraphs 21 to 24.



Govt of NCT of Delhi & Ors v. Sachin Gupta & connected matters. [W.P.(C) 1520/2012, decided on 07.08.2013]. In the said judgment, the Court was concerned with recruitment to teaching positions in Government of National Capital Territory of Delhi. The essential qualification required the candidate to have a “B.A. (Hons) degree in one of the Modern Indian Languages” or a “B.A. degree, with Modern Indian Language in one of the elective subjects”. The employer had clarified that the definition of an “elective” in the recruitment rules, implied that the candidates should have studied the subject for at least 100 marks each in all parts/years of graduation. Factually, the Court found that the elective subject in question was studied over three papers of 100 marks each. These used to be offered in three years, but were subsequently offered only in two years. It is in this context that the Division Bench came to the conclusion that the candidates who had studied the elective subject in the same three papers of 100 marks each, *albeit* in two years rather than three, would satisfy the requirement of the recruitment rules.

13. The judgment is distinguishable from the facts of the present case, because the petitioner has studied Hindi only in one paper each, in two years. This is not a case where form has been preferred over substance, contrary to the judgment of the Division Bench, but one in which the papers studied by the petitioner suffer from a substantial deficit *vis-à-vis* the recruitment conditions.

14. The final submission of Dr. Bharti was that these eligibility conditions ought to have been examined by NESTS prior to permitting the petitioner to sit in the recruitment examination, and issuing her a

⁴ (2017) 9 SCC 478, paragraphs 9 to 11.



provisional letter for document verification. I find no force in this submission, either. The advertisement clearly provided, under the heading “*other instructions*”, as follows:

*“e. Qualification acquired by the candidates should be strictly in accordance with the notified/prescribed **qualifications only and necessary certificates should be produced at the time of document verification.**”*

The advertisement also contained the following “*Note*”:

“Note:

- *Those applying in response to ESSE-2023 advertisement should satisfy themselves regarding their eligibility for the post applied for.*
- *Consideration of application at the time of written (OMR based) test will be provisional only.*
- *Verification of documents shall be carried out by NESTS before appointment.*
- *The candidate must have certificate of minimum required qualification at the time of submission of application.”*

15. Particularly in a recruitment with a large number of posts and applicants, there is no infirmity in such a process. Candidates are permitted to participate in the process, on their own satisfaction as to fulfilment of eligibility conditions. However, their participation is subject to document verification at a subsequent stage.

16. Having regard to the above, I do not find any merit in the contentions raised by the petitioner in this writ petition.

17. The writ petition, alongwith the pending application, is therefore dismissed.

PRATEEK JALAN, J

MAY 14, 2025

“Bhupi”/AD/