



2025:DHC:4664



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

*Decided on: 30.05.2025*

+ W.P.(C) 5533/2025

POOJA LODHI

.....Petitioner

Through: Mr. Dushyant Bhargava, Mr. Pawan Mehta, Ms. Lubna Akhtar, Ms. Qudaija Fatima & Mr. Vikram Singh Nayal, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sahaj Garg, SPC with Mr. Sanjay Pal, GP for UOI.  
Mr. Amartya Ashish Sharan & Mr. Akash Kishore, Advocates for NESTS.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**JUDGMENT**

1. The petitioner has filed this petition under Article 226 of the Constitution, challenging a communication dated 24.06.2024 and a speaking order dated 06.02.2025, passed by respondent No. 2 - National Education Society for Tribal Students ["NESTS"], which rejected her candidature for the post of Trained Graduate Teacher ["TGT"] (English).
2. NESTS issued an advertisement in the year 2023, for recruitment of teaching and non-teaching employees for several posts in Eklavya Model Residential Schools, including 671 posts of TGT (English).
3. The dispute relates to interpretation of the "*Essential Qualification*" for the said post, which is reproduced hereinbelow:



**“ESSENTIAL QUALIFICATION:**

**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.*

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*Note:*

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

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xxx

*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.”<sup>1</sup>*

4. The petitioner possesses a Bachelor of Elementary Education [“B.El.Ed”] degree from the Mata Sundari College for Women, Delhi University [“DU”] issued in the year 2018. She further holds degrees of Master of Arts (English) from Indira Gandhi National Open University awarded in the year 2022, and a Bachelor in Education [“B.Ed”] from Chaudhary Charan Singh University, Meerut, of the year 2024.

5. The petitioner applied for the said post, and participated in the written examination, pursuant to which she was issued a provisional letter of appointment dated 02.03.2024, subject to document verification. After



further document verification, however, her candidature was ultimately rejected by a communication dated 24.06.2024, which stated that she did not possess the required educational qualification and was, therefore, ineligible for the said post.

6. Thereafter, NESTS issued a communication dated 05.07.2024, by which it decided to give the petitioner a “*final opportunity*” to prove her eligibility “*in terms of possessing educational qualification*” as per the advertisement, and directed her to appear at its office for another round of document verification on 08.07.2024, which the petitioner did.

7. Subsequently, she approached DU to obtain a certificate with regard to the courses studied by her. The said certificate dated 15.07.2024, enumerates three courses which were equivalent to courses in English, and certifies that the petitioner studied those courses in addition to studying English for 200 marks in second and third year.

8. The petitioner challenged the communication dated 24.06.2024 before this Court by way of W.P.(C) 838/2025. This Court disposed of the petition by an order dated 22.01.2025, directing NESTS to treat the writ petition as a representation, and gave liberty to the petitioner to submit any relevant documents within three days. The representation was directed to be disposed of within 4 weeks thereafter.

9. The petitioner submitted a compilation of all relevant documents to NESTS on 25.01.2025. after which NESTS passed the impugned speaking order dated 06.02.2025. The order reads as follows:

*“It is stated that, as directed by the Hon'ble Court vide order dated 22.01.2025, the representation and documents submitted by Ms.*

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<sup>1</sup> Emphasis supplied.



*Pooja Lodhi were considered and perused, and accordingly the following observations were made:*

i. *B.El.Ed. (Four-year integrated course) claimed, as essential qualification column in the application form. **As per marksheets submitted during document verification, Ms. Pooja Lodhi has studied English as optional subject in II year (O 2.1 - English-I) and III year (O 3.1 - English-II) of her Graduation.***

ii. *A certificate from Department of Education, Delhi University dated 15.07.2024 has been submitted, stating that following subject which can be considered equivalent:*

*Nature of Language C 1.1 in I Year, Equivalence - English.*

iii. ***Ms. Pooja Lodhi has not studied English subject in IV year.***

iv. ***It is further observed that she has not studied English for three years of Graduation and does not fulfil eligibility criteria as per notification of ESSE-2023.***

v. *Also Ms. Pooja Lodhi has done B.Ed. on 05.02.2024 (as per date recorded in her B.Ed. Final Year Marksheet), which is after the cutoff date of 18.08.2023 as per notification.*

*Ms. Pooja Lodhi's application has been duly processed in accordance with the RRs and the settled legal position that essential experience as stipulated in the RRs must be construed strictly.*

*Therefore, upon examination of all the documents, it is noticed that Ms. Pooja Lodhi does not fulfill the eligibility criteria of essential qualification notified by NESTS under ESSE-2023 and for all the above stated observations/reasons, Ms. Pooja Lodhi is not eligible for the post of TGT (English)."<sup>2</sup>*

10. This communication has led to the filing of the present writ petition.

11. I have heard Mr. Dushyant Bhargava, learned counsel for the petitioner, and Mr. Amartya A. Sharan, learned counsel for NESTS.

12. In the petitioner's application, she represented, both in respect of her "Qualifying Exam Mark Details" and "B.Ed./Integrated Marks Details", that she held a "Four years integrated degree of Regional of

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<sup>2</sup> Emphasis supplied.



*Education of NCERT or other NCTE recognized institution” from DU in the concerned subject. The subjects mentioned were “Education” and “English”.*

13. The only question for consideration is whether the said degree qualifies in terms of the eligibility conditions mentioned in the advertisement. The controversy between the parties turns on the requirement that, for the post of TGT (English), English should have been studied as a subject in “*all three years*” of the candidate’s degree course.

14. The fact that the petitioner studied English in two years of her degree course [second and third year] is not a matter of dispute. However, Mr. Bhargava submitted that the petitioner also studied English in the first year, as she took a course entitled “*Nature of Language*”. For this purpose, he relied upon a certificate dated 15.07.2024, issued by the Head & Dean, Faculty of Education, DU. The said certificate reads as follows:

*“Ms. Pooja Lodhi has completed B.El.Ed. Degree programme vide Enrolment No. MSC-1191 /2013 from Mata Sundri College, University of Delhi (2014-2017). In addition to studying English for 200 marks in II and III year, she studied the following courses which can be considered equivalent:*

<i>Sr. No.</i>	<i>Course</i>	<i>Course Code</i>	<i>B.El.Ed. Year</i>	<i>Total</i>	<i>Equivalence</i>
<i>1.</i>	<i>Nature of Language</i>	<i>C1.1</i>	<i>I</i>	<i>50</i>	<i>English</i>
<i>xxx</i>	<i>xxx</i>	<i>xxx</i>	<i>xxx</i>	<i>xxx</i>	<i>xxx</i>
<i>xxx</i>	<i>xxx</i>	<i>xxx</i>	<i>xxx</i>	<i>xxx</i>	<i>xxx</i>



*The course content of the above three constitutes what is taught in language courses at the university level.”*

15. NESTS has stated, in its counter affidavit, that it does not recognise the said course as part of an English qualification. The record produced by NESTS reveals that the matter was examined by the officials of NESTS, as also by its Consultant, who is himself a former Vice Principal and Principal in Navodaya Vidyalaya Samiti, and Joint Commissioner, Navodaya Vidyalaya Samiti. The petitioner’s case was considered, both on the basis of the said qualification, as also on the basis of the B.Ed. degree awarded to her on 05.02.2024. As far as B.Ed. degree was concerned, the degree was not sufficient, as it was awarded after the cut-off date, i.e. 18.08.2023, as stipulated in the advertisement. As far the integrated degree was concerned, the deficiency was with regard to study of English for three years.

16. Mr. Sharan submitted that the view taken with regard to the B.El.Ed. degree, is supported by reference to the course structure of the integrated degree course. The “*Nature of Language*” course is one of the core courses offered in the B.El.Ed. degree by Delhi University. The structure of the course has also been placed on record with the counter affidavit. It provides for study of four units, which are reproduced below:

*“Unit 1 Aspects of Linguistic Behavior : verbal and non-verbal communication; human and non-human communication; defining features of a human system of communication; language and mind; language and society; language as rule governed behavior and linguistic variability; speech and writing.*

*Unit 2 Linguistic Systems : the organization of sounds; the structure of sentences; the concept of Universal Grammar; nature and structure of meaning; basic*



concepts in phonology, syntax and semantics (to be taught through suitable illustrations).

**Unit 3 Text and Linguistic Systems** : organization of text discourse structure, oral and written; nature of class room discourse. Structure of a story, poem, essay, etc., points of entry into texts to teach them more effectively (to be taught through practicum).

**Unit 4 Languages of India** : multilingualism; using the multilingual resource of a classroom (to be taught through practicum).”

17. A reading list has also been provided, alongwith the course structure. Mr. Sharan argued that the prescribed readings cover not just English, but aspects of linguistics more generally. The reading list is reproduced below:

“**READINGS**

1. Agnihotri, R.K. and Khanna A.L. (eds) *English Grammar in Context*, Ratnasagar: Delhi, 1996.
2. Agnihotri, R.K. 'Multilingualism as a Classroom Resource', in K. Heugh, et. al. (eds.) *Education for South Africa*, Heinemann: Johannesburg, 1995.
3. Agnihotri, R.K. *Sociolinguistic Aspect of Multilingual Classrooms*, Paper presented at the International Seminar on Language, Cape Town, South Africa, January 15-20,1996.
4. Aitchison, J. *Linguistics*, Hodder and Stoughton: London, 1978. Chap. 1-5.
5. Brumfit, C. J. and J. T. Roberts. *Language and Language Teaching*, Batsford Academic and Educational (H) : London, 1983. Chapter 1-5, 7.
6. Hudson, R. A. *Sociolinguistics*, Cambridge University Press: Cambridge, 1980, Chapters 1 and 2.
7. IGNOU, CTE - 02. *Certificate Programme in Teaching of English as a Second Language: The Structure of English*, IGNOU: New Delhi, 1995.
8. IGNOU, EEG - 02. *Elective Course in English: The Structure of Modern English*, Blocks 1 and 2: Phonetics and Phonology; Blocks 3 and 4: Morphology; Blocks 5, 6 and 7: Syntax, IGNOU: New Delhi, 1989.
9. IGNOU, ATR - 01. *Application in Translation*, IGNOU: New Delhi, Reprint 2000.
10. Shapiro, M. C. *A Primer of Modern Standard Hindi*, Motilal Benarsidass: Delhi, 1989, Chapter 1-3, 27, 28.



11. Verma, S.K., and N. Krishnaswamy. *Modern Linguistics: An Introduction*, Oxford University Press: Delhi, 1993. Chapters 1 & 2.
12. Yule, G. *The study of Language*, 2nd Edition), Cambridge University Press: Cambridge 1996. Chapters 3-8, 19-20.
13. नारंग, वैष्णा. सामान्य भाषाविज्ञान, प्रकाशन संस्थान: दिल्ली, 1984.”

18. It is in the context of these documents that the validity of the decision taken by NESTS must be assessed. In such matters, which relate to academic curriculum and equivalence, the Court’s approach is to defer to expert opinion and to the employer’s assessment, unless manifest arbitrariness or unreasonableness is revealed.

19. The judgment of the Supreme Court in *Zahoor Ahmad Rather vs. Imtiyaz Ahmad*<sup>3</sup> mandates such an approach, holding that the State is entrusted with the authority to assess the needs of its public services, which are essentially matters of policy and “judicial review must tread warily”.<sup>4</sup> Later judgments of the Court, in *Jaiveer Singh vs. State of Uttarakhand*<sup>5</sup> and *Shifana P.S. vs. State of Kerala*<sup>6</sup>, are consistent with this approach. In *Jaiveer Singh*, the Court relied upon several earlier decisions, including *Zahoor Ahmad*. Emphasis was placed on the technical nature of equivalence disputes, with the Court adopting a very limited jurisdiction. In *Shifana PS* also, the decision was left to the recruiting authority.

20. The decision of NESTS in the present case, does not, in my view, meet the high threshold required for interference by the writ Court. The course structure noted above covers language and linguistics, including

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<sup>3</sup> (2019) 2 SCC 404 [hereinafter, “*Zahoor Ahmad*”].

<sup>4</sup> *Ibid*, paragraph 27.

<sup>5</sup> 2023 SCC OnLine SC 1584 [hereinafter, “*Jaiveer Singh*”].

<sup>6</sup> (2024) 8 SCC 309 [hereinafter, “*Shifana PS*”].



multilingualism, and cannot be said to relate indisputably to the study of any particular language, as required by the prescribed qualification. The reading list also lends itself to such a conclusion. A contrast can also be drawn between the “*Nature of Language*” course content, and the course content for “*English-I*” and “*English-II*” courses taken by the petitioner, which have been accepted by NESTS. Those courses contained texts, including prose, poetry and drama from English literature. The view taken by NESTS that the “*Nature of Language*” course does not constitute the study of English as a subject, in these circumstances, cannot be characterised as arbitrary or unreasonable.

21. Mr. Bhargava’s reliance on the certificate of equivalence issued by DU cannot be determinative of the matter. Certificates issued by the institutions which awarded a degree may be a relevant consideration, but cannot override the employers’ decision. In the present case, the record reveals that the decision has been taken after approval of the Consultant of NESTS also, who was an experienced educator at the school level, and educational administrator.

22. Two judgments of Division Benches of this Court have been cited by Mr. Bhargava to justify the Court’s interference. In *Preeti vs. The Director of Education & Ors.*<sup>7</sup>, the question was whether a B.El.Ed. degree is sufficient for qualification as TGT in schools of Directorate of Education [“DOE”]. The Court held that it satisfies the requirements, relying upon the recruitment rules for the post of TGT under Delhi School Education Act and Rules, 1973. The judgment in *Govt. of NCT of*

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<sup>7</sup> LPA 715/2017, decided on 26.11.2018.



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*Delhi vs. Monika Sharma*<sup>8</sup> also concerned recruitment by DOE, to the post of TGT. The Court held in favour of the candidate. Neither of these judgments concerns the question raised in this petition, which is only as to whether the petitioner satisfied the requirement of having studied English for three years in her B.El.Ed. degree course.

23. On the basis of the above discussion, I am of the view that the impugned decision of NESTS cannot be interdicted under Article 226 of the Constitution.

24. The writ petition is, therefore, dismissed, but without any order as to costs.

**PRATEEK JALAN, J**

**MAY 30, 2025**

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<sup>8</sup>W.P. (C) 8089/2015, decided on 26.05.2016.