



2025:DHC:8970-DB



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

Reserved on: 15.09.2025

Pronounced on: 10.10.2025

+ W.P.(C) 13384/2025 & CM APPL. No. 54858/2025

KENDRIYA VIDYALAYA SANGATHANPetitioner

Through: Mr. U.N. Singh and Ms.
Sandhya Chaturvedi, Advs.

versus

SMT.GEETANJALI YADAV

....Respondent

Through: Mr. Tushar Sannu, Mr.
Priyankar Tiwari, Mr Parvin
Bansal and Ms. Aqsa, Advs.
with respondent in person.

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 by the petitioner, challenging the Order dated 17.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3347/2023, titled as ***Smt. Geetanjali Yadav v. Kendriya Vidyalaya Sangathan & Ors.***, filed by the respondent herein, whereby the learned Tribunal allowed the said O.A., with the following directions:



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“12. In view of foregoing discussion, we allow the O.A and the impugned list of shortlisted candidates dated 27.10.2023 is quashed and set aside, qua the applicant. As a result, the respondents are directed to issue offer of appointment to the applicant for the post of Primary Teacher in KVS against Advertisement No.16, if she is otherwise found eligible, as per her merit against the existing vacancies, if any, or even by creating a supernumerary post, with all consequential benefits albeit only on notional basis, however, on actual basis only from the date of her joining to the post. The candidate belonging to the same category already selected and appointed by the Respondents will continue to be in service and their rights shall not be affected by this order in any manner.”

FACTS OF THE CASE

2. In a nutshell, the background of the case is that the petitioner, vide Advertisement No. 16/2022, invited applications for the post of Primary Teacher, including 1731 vacancies under the OBC category. The eligibility conditions prescribed therein specified that besides meeting the other criteria, the candidates must have educational qualifications specified in the advertisement as including:

“1. ...Senior Secondary (or its equivalent) with 50% marks and 2-year Bachelor of Elementary Education (B.El.Ed.)

OR

*Graduation with 50% marks and Bachelor of Education(B.Ed.)**

** who has acquired the qualification of Bachelor of Education from any NCTE recognized institution shall be considered for*



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appointment as a teacher shall be mandatorily undergo a six month Bridge Course in Elementary Education recognized by the NCTE within two years of such appointment as Primary Teacher.

2. Qualified in the Central Teacher Eligibility Test (Paper-I) conducted by the Govt. of India.

3. Proficiency to teach through Hindi & English media.

IMPORTANT:

1. B.Ed Candidates can apply and go through the selection process but their inclusion in the panel based on merit will be subject to the outcome of the SLP in the Hon'ble Supreme Court. However, once the candidate appear in the written examination, fees paid by the applicant will not be refunded."

3. The Central Board of Secondary Education (CBSE), on behalf of the petitioner, conducted the written examination in which the respondent, who belongs to the OBC category, appeared with Roll No.220412602180120. The result of the written examination was declared, wherein the respondent secured 132.0886 marks.

4. The petitioner, *vide* notice dated 19.10.2023, decided to conduct an interview from 03.11.2023 to 08.11.2023, declaring cut-off marks for the interview for shortlisted candidates. For the OBC category, the marks for interview were 127.2475. In the *interim*, the petitioner, *vide* notice dated 27.10.2023, issued a revised list of shortlisted candidates, reducing the cut-off marks for the OBC category to 127.2099. The respondent's name, however, was not included in the list of shortlisted candidates.



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5. Aggrieved of the same, the respondent filed the O.A before the learned Tribunal, praying for a direction to be issued to the petitioner, to pass an Order quashing the list of shortlisted candidates dated 27.10.2023, only to the extent by which the name of the respondent has not been included and consequently pass an Order directing the petitioner to consider the candidature of the respondent, with all consequential benefits.

6. The learned Tribunal disposed of the said O.A *vide* the Impugned Order, setting aside the Impugned list of the shortlisted candidates *qua* the respondent, and directed the petitioner to issue offer of appointment to the respondent, if she is otherwise found eligible, as per her merit against the existing vacancies, if any, or even by creating a supernumerary post, with all consequential benefits albeit only on notional basis, however, on actual basis only from the date of her joining the post. The learned Tribunal directed the petitioner to comply with the aforesaid directions within a period of eight weeks from the date of receipt of the certified copy of the said Order.

7. Aggrieved of the Impugned Order, the petitioner has filed the present petition.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER

8. The learned counsel for the petitioner submits that the name of



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the respondent had not been included in the list of shortlisted candidates dated 27.10.2023 as, on verification of documents, it was found that in her application form, she had mentioned that she possessed a B.Ed Degree. He points out that the general instructions to the candidates in the advertisement provide as under:

“viii) GENERAL INSTRUCTIONS TO THE CANDIDATES

xxx

1. KVS may take up the verification of eligibility of the candidate at any point of time prior to or after the completion of the selection process. Even if Admit Card is issued to a candidate due to lack of information in the application form or otherwise if it is found at any stage (including the date of joining & thereafter) that the candidate is not eligible, then his/her candidature shall be summarily rejected.”

9. He submits that as per the advertisement, applicants having B.Ed Degree, though eligible to apply and go through the selection process, were to be included in the panel subject to the outcome of a Special Leave Petition that was pending before the Supreme Court. He highlights that the said Special Leave Petition, being **Devesh Sharma v. Union of India & Ors.**, (2023) 18 SCC 339, was decided by the Supreme Court on 11.08.2023, wherein it was held that B.Ed Degree was not a valid qualification for primary school teacher posts. He states that the respondent was hence not shortlisted for the interview.

10. He further submits that the respondent, in her application form, did not disclose that she possessed a B.El.Ed. Degree, and highlights



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that the candidates were, in fact, even given an opportunity to correct the qualifications they had mentioned in the initial forms, but the respondent did not avail of the same.

11. The learned counsel for the petitioner relies upon the Judgment of this Court dated 11.01.2018 passed in WP(C) No.11328/2017, titled **Annu & Ors. v. Govt. of NCT of Delhi & Ors.**, 2018:DHC:278-DB, paragraphs 21 and 24 of which read as under:

“21. We have heard learned counsels for the parties and perused the record. We may note that the advertisement TGT, had not only laid down the eligibility qualifications, but pursuant where to the petitioners had applied for the post of had also stated in no uncertain terms that the educational qualifications shall be determined as on the closing date of receipt of the applications. We also find that the advertisement had clearly stated that, it was for the candidates to ensure that they fulfill all the eligibility conditions and if upon verification at any subsequent stage, it was found that they did not fulfill any eligibility qualifications, his/ her candidature for the post would be cancelled by the respondent no.3/ DSSSB ...

xxx

24. Even otherwise, we are of the view that having applied for the aforesaid post and participated in the selection process pursuant to the advertisement issued by the respondent no.3/DSSSB, the petitioners cannot at a subsequent stage be allowed to urge that any condition in the said advertisement was unfair, arbitrary or illegal or to canvass that they ought to have been granted relaxation in respect of the mandatory requirement of possessing the CTET qualification as on the



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cut-off date i.e. 15.06.2012. If that was the case and the petitioners felt that any of the prescribed conditions was arbitrary or unfair or that they were entitled to any relaxation, then they ought to have approached the Tribunal at any stage itself i.e. before taking part in the selection process. Having failed to do so, they cannot be permitted to challenge the conditions imposed by the respondent no.3/ DSSSB, in the advertisement on seeking relaxation. Furthermore, any such relaxation claimed by the petitioners would be unfair to all those nameless aspirants who did not apply for the subject post as they were not qualified on the cut-off date merely because the petitioners submitted their applications knowing that they did not fulfill the eligibility conditions, cannot be permitted to work to their advantage by giving them any relaxation”

12. To this effect the learned counsel further places reliance on the Judgments of the Supreme Court in the case of **Vijender Kumar Verma v. Public Service Commission**, (2011) 1 SCC 150, and **Rakesh Kumar Sharma v. Government of NCT of Delhi**, (2013) 11 SCC 58.

13. He also points out that the line of reasoning adopted by the Impugned Order, that a B.El.Ed. is nothing but a four-year integrated professional degree with two components, that is, B.A. + B.Ed. is factually incorrect.

14. He states that therefore the Impugned Order is liable to be set aside.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE



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RESPONDENT

15. The learned counsel for the respondent submits that the respondent had scored 132.08 marks in the written test and was well above the notified OBC cut-off marks of 127.20. She therefore, fully qualified on merit for being shortlisted and considered for appointment.

16. The learned counsel for the respondent further submits that the respondent fulfilled all the eligibility criteria of the advertisement, as she has a qualification of Senior Secondary with above 50% marks and is having four years B.El.Ed qualification. He submits that however, while filling the online form, the respondent chose the option "Graduation + B.Ed." because only two choices were available, that is, D.El.Ed./JBT/BTC OR Graduation with atleast 50% marks with B.Ed. He submits that she further entered her B.El.Ed. marks in the relevant columns.

17. The learned counsel for the respondent submits that nonetheless, trivial errors in an application which play no part in the selection process should be ignored. He places reliance on the Judgment of the Supreme Court in **Vashist Narayan Kumar v. The State of Bihar**, (2024) 11 SCC 785, the same reads as under:

"19. In this case, the appellant has participated in the selection process and cleared all the stages successfully. The error in the application is trivial which did not play any part in the selection process. The State



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*was not justified in making a mountain out of this molehill. Perhaps the rarefied atmosphere of the cybercafe, got the better of the appellant. He omitted to notice the error and even failed to avail the corrective mechanism offered. In the instant case, we cannot turn a Nelson's eye to the ground realities that existed. In the order dated 22.11.2021 in C.A. No. 6983 of 2021 [**Prince Jaibir Singh vs. Union of India & Ors.**], this Court rightly observed that though technology is a great enabler, there is at the same time, a digital divide."*

18. The learned counsel for the respondent further places reliance on the Judgments of this Court in **Ajay Kumar Mishra v. Union of India & Ors.**, (2016) SCC Online Del 6553, **Union of India & Ors. v. Sumit Kumar**, (2017) SCC Online Del 10138, and **Union of India & Ors v. Vinay Kumar**, (2024) SCC Online Del 2448.

19. The learned counsel submits that the rejection of the respondents candidature was solely on account of a technical entry in the online application form, wherein due to the structure of the form and the drop-down menus provided, she selected "Graduate + B.Ed." instead of her actual qualification of B.El.Ed. He further submits that B.El.Ed. is a recognized professional degree prescribed as an eligible qualification in the recruitment advertisement itself. The entry of "B.Ed." was an inadvertent clerical mistake, and not a misrepresentation, since her B.El.Ed. Marksheets and Degree were always on record.

20. The learned counsel for the respondent further submits that a



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minor and technical error in the drop-down menu cannot override substantive eligibility and merit, particularly when the respondent possessed the prescribed B.El.Ed. qualification, scored higher than the OBC cut-off, and never sought to mislead the authorities. To deny her appointment on such a hyper-technical ground, would amount to sacrificing justice for technicality, which the learned Tribunal has rightly prevented.

21. He submits that once the respondent became aware of the inadvertent error, she approached the learned Tribunal in a timely manner and without any delay.

ANALYSIS AND FINDINGS

22. We have considered the submissions advanced by the learned counsels for the parties and perused the material on record.

23. The issue that arises for consideration is that whether a minor technical entry in the online form can override substantive eligibility.

24. The record establishes that the respondent possessed the B.El.Ed. Degree, which is explicitly recognized as a qualifying degree under the advertisement. The error in selecting “Graduation + B.Ed.” in the drop-down menu was a consequence of the restricted software design and cannot be construed as misrepresentation.

25. We place our reliance on the Judgment of the Supreme Court in ***Dolly Chhanda v. Chairman, JEE & Ors.***, (2005) 9 SCC 779, wherein it was held as under:



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“7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement for benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.”

26. It is not disputed that the online application system provided only two choices in the qualification column. Once the advertisement recognized B.El.Ed. as valid, the onus lays on the recruiting body to design its application form accordingly. The consequence of this design defect cannot be visited upon an otherwise eligible and meritorious candidate.

27. In present scenario, no fault can be attributed to the respondent for not relying upon her qualification based on the B.El.Ed.. It also



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cannot be disputed that the respondent gained no undue benefit by entering an incorrect qualification in the application form. The respondent was otherwise satisfying both the eligibility as well as the cut-off requirements of the selection process. As mentioned above, the cause of the incorrect entry in the application form itself is attributable to a design defect contained therein. Hence, we find no merit in the submission of the learned counsel for the petitioner that the respondent should have been vigilant and should have exercised her option to change her qualification in time. We also find that the respondent has, in fact, agitated her claim in a timely manner before the learned Tribunal.

28. The Judgements of the Supreme Court in **Vijender Kumar Verma** (supra), **Rakesh Kumar Sharma** (supra) and of this Court in **Annu** (supra) can also not come to the aid of the petitioners, the same having being passed in entirely different circumstances.

29. Keeping in view the legal maxim of *de minimis non curat lex*, that is, the law does not concern itself with trifles, as also the dicta of the Supreme Court in **Vashist Narayan**(supra), trivial error in an application, which plays no part in the selection process, may be ignored taking into account the facts and circumstances of a case such as the one at hand.

30. We, therefore, find no infirmity and illegality in the Impugned Order of the learned Tribunal.

31. Accordingly, the Impugned Order passed by the learned



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Tribunal is upheld, and the petition is accordingly, dismissed.

32. The pending application stands disposed of.

33. There shall be no order as to costs.

MADHU JAIN, J

NAVIN CHAWLA, J.

OCTOBER 10, 2025/Av/k