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

+ W.P.(C) 2771/2025 & CM APPL. 13174/2025

NIRANJAN KUMAR AND ORSPetitioners

Through: Mr. Shrikant Prasad and
Mr. Ashish Pradhan, Adv.
versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. R. V. Sinha, Mr. Amit
Sinha and Ms. Shriya Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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06.03.2025

1. Mr. R. V. Sinha, learned Counsel for the respondents, has entered appearance today. He has drawn our attention to a circular dated 2 January 2025 issued by the Railway Board, which we deem it appropriate to reproduce, in *extenso*:

“GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

RBE No. 01/2025

No. E(NG)11/2024/RR-1/41

New Delhi, dated 02.01.2025

The General Manager (P)
All Zonal Railways/Production Units

Sub: Minimum Educational Qualification for recruitment from open Market in Level-1 of the pay matrix of 7th CPC.

Ref: (i) Board's letter No. E(NG)II/2017/RR-1/12(3192238) dated 27.07.2017 (RBE 73/2017) and 28.02.2018 (RBE 31/2018)

(ii) E(NG)II/2000/RR-1/17 (3012944) dated 11.12.2017 (RBE 192/2017)



(ii) E(NG)II/2017/RR-1/12 dated 14.06.2019

Please refer to Board's letter No. E(NG)II/2017/RR-1/12 dated 14.06.2019 regarding minimum educational qualification for recruitments in Level-1 of the pay matrix. The issue has been reviewed and in supersession of the earlier instructions as under reference, it has been decided by the Board that the minimum educational qualification for all future open market recruitments in Level-1 posts (including the upcoming CEN level 1 recruitment) will be 10th pass or ITI or equivalent or National Apprenticeship Certificate (NAC) granted by NCVT'.

Sd/-
(U.K Tiwari)
Director, Estt.(N)
Railway Board

Copy to: Chairperson/All Railway Recruitment Boards.”

2. We have pointed out to Mr. Sinha, that the CEN 08/2024 was issued on 28 December 2024, as is apparent from Annexure A2 to the OA at page 71/pdf 82 of the paper book.
3. The question arises as to whether, as the advertisement was issued on 28 December 2024, it was permissible for the respondent, thereafter, to, by the notification under challenge before the Tribunal, allow applicants who did not have the ITI/NAC qualifications and were merely 10th pass to apply in response to the advertisement.
4. On that issue, Mr. Sinha, learned Counsel for the respondents, would also have to address on the applicability of the recent decision of the Constitution Bench of Supreme Court in *Tej Prakash Pathak v Rajasthan High Court*¹.
5. Mr. Sinha, learned Counsel for the respondents, submits that,

¹ 2024 SCC OnLine SC 3184



given the seriousness of the matter, time may be given to file a reply.

6. Issue notice to show cause as to why rule *nisi* be not issued.
7. Notice is accepted on behalf of respondent by Mr. R. V. Sinha.
8. Counter affidavit, if any, positively be filed on or before 22 March 2025 with advance copy to learned Counsel for the petitioners, who may file rejoinder thereto, if any, on or before 28 March 2025.
9. Mr. Sinha, learned Counsel for the respondents, submits that no recruitment would take place till the next date of hearing.
10. Given the importance of the matter, re-notify for hearing and disposal on 28 March 2025.
11. Both sides are also at liberty to place on record short notes of their respective submissions not exceeding three pages each after exchanging copies with each other at least 48 hours in advance of the next date of hearing and e-mail a copy thereof to the Court Master.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 6, 2025/sk

[Click here to check corrigendum, if any](#)