

\$~11

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

+ W.P.(C) 1951/2015

MANOJ KUMAR AND ANR.

..... Petitioners

Through: Mr. R.K.Saini, Adv. and Ms. Minal,
Adv.

versus

GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Isha Khanna, Adv. for R-1.
Mr. Atul Jain, Adv. for R-2 to 4.
Mr. Ashok Aggarwal and Mr. Ashish
Jha, Adv. for R-5.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **01.12.2016**

1. The limited issue urged on behalf of the petitioner in this writ petition is that for the post of PGT(English), and which is a Group-B post, there can be reservation for physically handicapped person only with respect to the direct recruitment appointments, but not for these appointments to Group B posts which have to be filled in by promotion.
2. Respondent no.1 in this writ petition is the Director of Education and whose circulars/directions/OMs are binding on all schools in Delhi including respondent nos. 3 and 4-schools. The respondent no.1 in its counter-

affidavit, paragraphs 8 to 11 thereof, has specifically admitted that the reservation to the Group-B post for physically handicap persons cannot be in case of promotion to Group B post in view of OMs dated 29.12.2005 and 7.1.2015 issued by the Director of Education.

3. Accordingly, there is no dispute as regards the main issue that there cannot be reservation for the post in question which is a Group B post (being PGT(English)) for physically handicapped persons because the post in question is being filled by promotion and not by direct recruitment.

4. At this stage, counsel for respondent nos. 2 to 4 states that respondent no.5 in the present case was considered for the post in question not on account of reservation of the post for physically challenged person but on account of respondent no.5 otherwise falling with the zone of consideration. The same is noted.

5. The writ petition is accordingly disposed of with the aforesaid observations and the respondent nos. 2 to 4 can now proceed ahead with the DPC proceedings and conclude the same in accordance with law because the respondent no.5 is not being considered for appointment because of reservation but because he falls in the zone of consideration without reservation.

6. In case, private respondent no.5 has any grievance against the circulars of the respondent no.1 dated 29.12.2005 and 7.1.2015, the respondent no.5 can, of course in accordance with law, seek to file appropriate independent proceedings.

VALMIKI J. MEHTA, J

DECEMBER 01, 2016

ib