

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 5024/2015

KAMLESH KUMARI

..... Petitioner

Through: Ms. Minal Sehgal, Advocate.

Versus

MANAGING COMMITTEE OF SHRI S.S.D. JAIN GIRLS
MIDDLE SCHOOL & ORS. Respondents

Through: Mr. Shiva Sharma for Mr. Peeyoosh
Kalra, Advocate for Respondent Nos.
2 and 3 with Mr. K.P. Singh, DEO,
Department of Education.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

10.02.2017

Review Pet. No. 488/2016

1. This review petition seeks review of the order dated 30.09.2016 whereby the writ petition had been dismissed. The learned counsel for the petitioner contends that the petitioner qualifies to be appointed as Vice Principal on the basis of the Recruitment Rules which *inter alia* prescribes that a candidate should have at least 10 years experience of teaching as TGT or five years experience of teaching as PGT under clause 5(c) of the Notification dated 29.01.1991 (page 111 of the petition). The petitioner claims to have an experience of six years as Head Mistress of the Middle School from 31.06.2006 till 24.12.2011. Accordingly, learned counsel for the petitioner submits that the petitioner ought to have been considered and duly appointed to the said post. However, the learned counsel for the

respondents submits that the post of Head Mistress, which the petitioner had sought to be initially appointed, had since been abolished in the Middle Schools and instead post of Vice Principal had been created. The requisite qualifications for eligibility were that the candidates should have completed either 10 years experience as TGT or should have had five years experience as PGT or should have worked as Head Mistress for the past five years. The petitioner qualifies on neither count, hence could not be considered. He refers to Clauses 5(c) and 9 of the Recruitment Rules as amended vide Notification dated 29.01.1991. On 12.07.2010, a request was made by the School to the Department of Education for holding the DPC for the post of Vice Principal. The latter replied vide letter dated 12.10.2010 asking the School to process the case for DPC of Vice Principal. In effect, there could not have been any DPC as on 12.10.2010 from the candidates then available. The petitioner was one of the candidates as of 20.10.2010, but she did not possess the qualifications of either having taught as TGT for ten years or as PGT for five years or having worked as a Head Mistress for the past five years. Hence, she did not qualify for being considered for appointment to the said post.

2. Learned counsel for the respondents submits that qualification subsequently obtained would not make a candidate eligible for consideration for appointment to the post of Vice Principal for which DPC had been held earlier.

3. In view of the above, on neither count was the petitioner eligible to be considered for the appointment to the post of Vice Principal. No factual error has been pointed out in the order of 30.09.2016.

4. The review petition is without any merit and is accordingly dismissed.

NAJMI WAZIRI, J.

FEBRUARY 10, 2017

sb