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

+ W.P.(C) 5125/2016

RAJEEV KUMAR BANSAL Petitioner
Through: Ms. Latika Choudhary, Adv.

versus

DIRECTORATE OF EDUCATION AND ANR Respondents
Through: Mr. Anuj Aggarwal, ASC with
Ms. Niti Jain, Adv. for GNCTD/R1.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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01.05.2017

1. The present petition has been filed by the petitioner with the following prayers:

“In view of the submissions made above, it is, therefore, prayed that this Hon’ble Court may be pleased to:

(a) Quash and set aside letter dated 06.06.2015 issued by respondent no.2 vide which the case of the petitioner seeking promotion to the post of Post Graduate Teacher (Engineering Drawing) in the Respondent School has been rejected.

(b) Direct respondents to promote petitioner to the Post of Graduate Teacher (Engineering Drawing) in the respondent school w.e.f 18.12.2003 with all consequential benefits.

(c) Pass any other relief which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. It is the submission of Ms. Latika Choudhary, learned counsel for the petitioner that vide the impugned order dated 6th June, 2015, the petitioner has been denied promotion to PGT (Engineering Drawing) on the ground

that the petitioner had not studied Engineering Drawing in Class-XI and XII and also during Diploma Studies and in AMIETE.

3. It is her contention that the post of PGT (Engineering Drawing) has to be filled by promotion, and the Rules does not contemplate an Officer should have studied Engineering Drawing in Class-XI and XII. She states that in terms of the Recruitment Rules at page 26 of the paper book, the words “*Engineering Drawing*” (in Class XI and XII) against serial no. 7 only depicts that a PGT Teacher has to teach Engineering Drawing to the students of Class XI and XII as a subject. In other words, it is her submission that the said Rule cannot be construed to mean that the petitioner should have studied Engineering Drawing in Class XI and XII.

4. On the last date of hearing, Mr. Anuj Aggarwal, learned ASC appearing for the respondent no.1 sought an adjournment to look into the issue. He does not vociferously contest the submissions made by the learned counsel for the petitioner.

5. Learned counsel for the petitioner has also placed before me the Rules for the post of Lecturer/PGT. Even though “*Rule V*” relates to Engineering Drawing, it does not depict Class XI and XII as has been shown against other subjects. It must be concluded that as a PGT (Engineering Drawing), the incumbent has to teach Engineering Drawing to the students of Class XI and XII and cannot be construed to mean that he has studied the subject in Class XI and XII. The impugned order is set aside.

6. In view of my aforesaid conclusion, respondents are directed to issue appropriate order and release benefits thereof within a period of eight weeks

from today.

The petition is disposed of.

CM No. 21325/2016 (for Stay)

In view of my aforesaid order, the present application for interim direction has become infructuous.

V. KAMESWAR RAO, J

MAY 01, 2017/jg