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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 8248/2008

3rd February, 2017

SURESH CHAND

.....Petitioner

Through: None.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Santosh Tripathi, Adv. for
R/Govt. of NCT of Delhi.
Mr. R.K.Kapoor and Ms. Rekha Giri,
Advs. for R-4,5 & 6.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition under Article 226 of the Constitution of India, petitioner seeks appointment to the post of PGT (Pol. Science) with the Sant Nirankari Boys Senior Secondary School, represented by respondent nos. 4 to 6.

2. The case of the petitioner is that he has been appointed as TGT (Pol. Science) in the respondent/school from 28.11.1994 and is entitled for promotion to the post of PGT (Pol. Science) after completion of 14 years of continuous services inasmuch as from July 2006, the post of PGT (Pol.

Science) is lying vacant after retirement of Sh. Raj Singh Sharma, PGT (Pol. Science). Petitioner pleads that there are a total of 9 posts in the school for PGTs candidates of which one is lying vacant and hence petitioner who falls in the SC category should be appointed to the vacant post arising on account of retirement of Sh. Raj Singh Sharma on 31.7.2006.

3. The respondent/school is an aided school i.e 95% of the aid of the school is given by the Director of Education. Respondent/school has filed its counter-affidavit and stated that out of 9 posts in the school 8 are for unreserved category and one was for reserved category. In the reserved category post one Sh. Satyavir Singh was appointed by the respondent/school on 29.3.1993. The post of Sh. Satyavir Singh in the respondent/school was however declared surplus and Sh. Satyavir Singh was therefore posted in SVS Bawana, Delhi vide order dated 16.7.1998 of the Director of Education. It is pleaded by both the Director of Education as also the respondent/school that the present vacancy which arises on account of retirement of Sh. Raj Singh Sharma is a vacancy for an unreserved category, and therefore, petitioner who seeks appointment to a reserved category cannot be appointed to the unreserved category post.

4. In view of the above facts which show that the petitioner seeks appointment to the post of PGT (Pol. Science) as a reserved category

candidate, but the post which has fallen vacant on the retirement of Sh. Raj Singh Sharna on 31.7.2006 is of PGT (Pol. Science) in the unreserved category, therefore, petitioner cannot claim appointment to this post as an SC candidate inasmuch as the post is for an unreserved category candidate.

5. In view of the above, this writ petition is without merit and is therefore dismissed.

February 03, 2017
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VALMIKI J. MEHTA, J