

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

Date of Decision: November 14, 2017

+ W.P.(C) 9923/2017

SUNITA SHARMA

..... Petitioner

Through: Mr. Jitender Kumar Pandey,
Advocate

Versus

DIRECTORATE OF EDUCATION & ANR. Respondents

Through: Mr. Naushad Ahmed Khan, Addl
Standing Counsel & Ms. Ritu Kumari,
Advocate.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

ORAL

1. Petitioner is a Trained Graduate Teacher (Hindi) in respondent No.2-School since August, 2008 and in the Departmental Promotion Committee (DPC) held on 27th November, 2015, petitioner's case for promotion from Trained Graduate Teacher (Hindi) to the post of Post Graduate Teacher (Economics) was recommended to respondent No.1, who has declined to approve the promotion granted to petitioner.

2. The challenge in this petition is to impugned order of 3rd April, 2017 (*Annexure P-1*) vide which petitioner's Representation has been rejected while relying upon amended Notification of 4th November, 1999, which provides that for the post of Lecturer in other subjects, only

Trained Graduate Teachers (Science “A”, Science “B”, Commerce, Agriculture and General) will be considered. Finding that petitioner is ineligible for promotion to the post of Trained Graduate Teacher (Economics), petitioner’s Representation has been rejected vide impugned order of 3rd April, 2017 (*Annexure P-1*).

3. Learned counsel for petitioner relies upon a decision of a Coordinate Bench of this Court in *Apinder Kaur Vs. Delhi Administration & Ors.* 92 (2001) DLT 294 to submit that similar notification of 24th February, 1998 was considered and it was directed that petitioner therein be promoted to the post of Post Graduate Teacher (Economics) although she was Trained Graduate Teacher (Language). Claiming parity with the case of *Apinder Kaur (Supra)*, petitioner seeks setting aside of impugned order and approval to the promotion granted to her in terms of duly constituted DPC.

4. Learned counsel for respondents supports the impugned order and submits that the decision in *Apinder Kaur (Supra)*, related to a Minority Education Institution whereas respondent-School is a Government Aided School and that the Notification of 4th November, 1999 was not under consideration therein and so, decision in *Apinder Kaur (Supra)* is of no avail. Thus, it is submitted that in view of amended Notification of 4th November, 1999, petitioner who is from the stream of Hindi, is not eligible for promotion to the post of Post-Graduate Teacher (Economics).

5. Upon hearing and on perusal of impugned order (*Annexure P-1*), the material on record and the decision cited, I find that since amended Notification of 4th November, 1999 was not subject matter of consideration in *Apinder Kaur (Supra)*, so the said decision is of no

assistance to the case in hand. The amended Notification of 4th November, 1999 clearly provides as under:-

“ **AMENDMENT**

In the Schedule annexed to the said notifications, the following amendment be made;

Coloumn No.12 : PROMOTION:-

1. XXX

2. *For the posts of Lecturer in Hindi, Sanskrit, Punjabi etc. only Trained Graduate Teachers/ Language Teachers in Sanskrit and in Modern Indian Language concerned will be considered for promotion in their respective subjects. For the post of Lecturer in other subjects only Trained Graduate Teachers (Science “A”, Science “B”, Commerce, Agriculture and General) will be considered. ”*

6. A bare perusal of aforesaid amended Notification of 4th November, 1999 makes it abundantly clear that Trained Graduate Teacher in Commerce/ Economics alone would be entitled to promotion as Post Graduate Teacher in Economics. Impugned order reproduces the eligibility criteria for promotion of Trained Graduate Teacher to the post of Post Graduate Teacher and I find that impugned order is in consonance with the eligibility criteria spelt therein. Clearly, petitioner is not eligible for promotion to the post of Post Graduate Teacher (Economics). Thus, it is held that impugned order suffers from no irregularity or infirmity. Hence, this petition is dismissed while leaving the parties to bear their own costs.

SUNIL GAUR
(JUDGE)

NOVEMBER 14, 2017

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