

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

Date of Order: April 10, 2018

+ **W.P.(C) 3494/2018 & CMs 13795-96/2018**

MRS. URMILA VERMA Petitioner
Through: Mohd. Asad Khan and Mr. Mrinal
Kumar Sharma, Advocates

versus

DIRECTOR OF EDUCATION AND ANR.Respondents
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner stands promoted from the post of Assistant Teacher to Trained Graduate Teacher (Sanskrit) vide order of 31st October, 2016 (*Annexure P-15*). Petitioner's request for grant of pecuniary benefits of the post of TGT (Sanskrit) w.e.f. the year 2013 has been turned down by respondent-School vide order of 3rd July, 2017 (*Annexure P-22*) wherein it is noted that the Departmental Promotion Committee in its meeting of 7th June, 2016 has recommended petitioner's promotion from the post of Assistant Teacher to TGT (Sanskrit). Petitioner's prayer for promotion from July, 2013 has been considered and rejected by the Competent Authority because the benefit of promotion is to be given from the date of joining i.e. 31st October, 2016.

2. Learned counsel for petitioner has drawn attention of this Court to initial Representation of 13th February, 2017 (*Annexure P-18*) where

petitioner has asserted that she was kept under the impression that after finalization of requisite promotion formalities, the case for retrospective sanction of payment for the work done by petitioner from the year 2013 till the year 2016 would be considered as petitioner had been teaching classes from July, 2013. It is submitted that petitioner became eligible for promotion to the post of TGT (Sanskrit) in the year 2013 and since she has been working as TGT, therefore, she is entitled to pay and salary of TGT w.e.f. July, 2013. Reliance is placed upon Rule 64 (g) of *the Delhi School Education Rules, 1973* to submit that the posts approved by Director have to be filled up without any discrimination or delay as per the Recruitment Rules and so, for the delay on the part of respondent in filling up promotional posts, petitioner should not be made to suffer.

3. Despite service of advance notice, there is no representation on behalf of respondents.

4. Upon hearing petitioner's counsel and on perusal of the material on record, I find that there has been a delay in filling up the post of TGT (Sanskrit). Impugned Communication (*Annexure P-22*) summarily rejects petitioner's Representation seeking antedating of promotion from October, 2016 to July, 2013. It is not controverted in impugned rejection that petitioner was working on the post of TGT (Sanskrit) since July, 2013 and it is not stated if any letter was issued to petitioner to officiate as TGT (Sanskrit) since July, 2013 or not.

5. To say the least, petitioner's Representation of 13th February, 2017 (*Annexure P-18*) is required to be dealt with by passing a speaking order which has not been done and so impugned order is set aside with

direction to the Managing Committee of respondent-School do so, within a period of six weeks from today and convey the fate of Representation (*Annexure P-18*) to petitioner within a week thereafter, so that petitioner may avail of remedies as available in law, if need be.

6. With aforesaid directions, this petition and the applications are disposed of.

Copy of this order be given *dasti* to counsel for petitioner.

APRIL 10, 2018

s

**(SUNIL GAUR)
JUDGE**



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