

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

Date of Order: April 26, 2018

+ **W.P.(C) 6102/2016**

HARISH KUMAR BANDHU Petitioner
Through: Ms. Shruti Munjal, Advocate

Versus

NAVYUG SCHOOL EDUCATIONAL SOCIETY AND ORS
.....Respondents
Through: Mr. Tarunvir Singh Khehar and
Mr. Adhiraj Choudhary, Advocates for
respondent No.1
Mr. Vivek B. Saharya, ASC for respondent
No.2-NDMC

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of Departmental Promotion Committee (DPC) proceedings of 22nd March, 2016 declaring petitioner ineligible for promotion to the post of Post Graduate Teacher (Hindi) is sought by petitioner, who is a Trained Graduate Teacher in Sanskrit. It is the case of petitioner that he has been teaching Sanskrit for last more than two decades and denial of promotion to petitioner is not justified as in the same very DPC proceedings (*Annexure P-6*), *Murari Lal*, who was teaching Zoology, and *Manju Devi*, who was teaching Botany, have been promoted as PGT in Biology. There is no pleading in the writ petition on the aforesaid aspect. However, in the rejoinder filed by petitioner, there is

an averment to this effect. Although a reply has been filed to the rejoinder, but it is silent on this aspect.

2. It is the stand of respondent-School that as per the Recruitment Rules for the post of Post Graduate Teachers (*Annexure P-1*), the experience of three years in teaching the concerned subject in Senior Secondary and Higher Classes is essential. It is asserted in the counter affidavit filed by respondent-School that petitioner had not taught Hindi continuously for three years.

3. During the course of hearing, petitioner's counsel has placed on record Circular of 22nd September, 2008 issued by Government of NCT of Delhi on the subject of '*promotion to the post of PGT in Hindi/Sanskrit/Urdu/Punjabi from feeder cadre of TGT (MIL)*'. So, it is submitted that any teacher from feeder cadre, i.e. Hindi/Sanskrit/Urdu/Punjabi, can be promoted to the post of PGT in any of these Disciplines. There is no foundation laid in respect of the aforesaid Circular of 22nd September, 2008, therefore, it cannot be looked into. However, the basic issue needs to be addressed and cannot be left unattended. Though no case for quashing of appointment of third respondent is made out, as she has been promoted on the post of PGT in question because she had the requisite experience in Hindi, but, the case of petitioner needs to be considered for promotion to the post of PGT in Hindi in light of aforesaid Circular of 22nd September, 2008 against existing vacancy of PGT (Hindi).

4. Before it is so done, it needs to be clarified by respondent-School as to under what circumstances, promotion of *Murari Lal* from the

Zoology and *Manju Devi* from Botany to Biology Discipline was made. To provide an opportunity to respondent-School to clarify as to how *Murari Lal* and *Manju Devi* were so promoted, it is deemed appropriate to permit petitioner to make a concise Representation on the basis of aforesaid Circular of 22nd September, 2008. Let such Representation be made by petitioner within three weeks from today, to respondent-School. If such a Representation is received, then respondent-School shall effectively consider it, by passing a speaking order thereon in light of aforesaid Circular of 22nd September, 2008 and if it is found that petitioner is eligible for promotion to the post of PGT (Hindi), then necessary steps in this regard be taken by respondent-School. The fate of the said Representation be made known to petitioner within twelve weeks, so that petitioner may avail of the remedies as available in law, if need be.

5. With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

APRIL 26, 2018

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