

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

Date of Order: May 01, 2018

+ **W.P.(C) 6464/2012**

UMA MITRA

..... Petitioner

Through: Mr. R.K. Saini, Advocate

versus

SHYAMA PRASAD VIDYALAYA MANAGING COMMITTEE
AND ORS

.....Respondents

Through: Ms. Priyanka Ghosh, Advocate for
respondent No.1

Mr. Sanjay Dewan and Ms. Palak Rohmetra,
Advocates for respondents No.2 & 3

Mrs. Veeran Rani Singh, DDE, Zone-26 and
Mr. P. Kaushik, L.A. Zone-26

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER
(ORAL)**

1. Benefit of second and third financial upgradation is sought by petitioner w.e.f. 27th September, 2003 and 27th September, 2009 under the Assured Career Progression Scheme, 1999 (*for short 'ACP Scheme'*) and the Modified Assured Career Progression Scheme, 2009 (*for short 'MACP Scheme'*).
2. Petitioner's request for grant of ACP was made on 16th August, 2011 and vide Communication of 7th September, 2011 (*Annexure P-11*), she was informed that her case for grant of ACP was considered by the

Committee, but it was not approved. In response to this petition, the stand of respondent-*Directorate of Education* is that case of petitioner for grant of second ACP due in September, 2003 was rejected due to petitioner's ACRs being '*Average*' for the last three years.

3. Regarding petitioner's claim for third financial upgradation under the MACP, the stand taken in paragraph No.10 of the counter affidavit filed by respondent-*Directorate of Education* is that the Departmental Screening Committee had considered petitioner's case for grant of third ACP, but had rejected it as ACR gradings of petitioner for three years preceding the year 2009 were found to be below the benchmark.

4. Learned counsel for petitioner submits that petitioner was never made aware of the '*average*' grading in ACRs for the period prior to the year 2003 and of the period three years prior to the year 2009 being below the benchmark. Liberty is sought by petitioner's counsel to now file Representation/Appeal against the '*Average*' grading in three ACRs, recorded for the period prior to September, 2003 and also three ACR gradings prior to September, 2009.

5. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner to file Representation/Appeal against the ACRs for the three years preceding September, 2003 and also against three ACRs prior to September, 2009, as the said ACRs are said to be below the benchmark. To enable petitioner to do so, let copy of the said ACRs be provided by respondent-School to petitioner through her counsel-*Mr. R.K. Saini*, within six weeks from today.

6. Learned counsel for petitioner submits that upon receipt of copies of the said ACRs, Representation/Appeal would be filed before respondent-*Directorate of Education* within four weeks. Let Representation/Appeal so filed against ACRs in question be considered by respondent-*Directorate of Education* on merits within a period of twelve weeks and its fate be conveyed to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be. It is made clear that in case petitioner's ACRs for the period in question are revised and meet the benchmark, then petitioner's case for grant of second and third financial upgradation be accordingly considered.

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

(SUNIL GAUR)
JUDGE

MAY 01, 2018

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