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

+ **W.P.(C) 9977/2017**

**SHELLY BHUTANI**

..... Petitioner

Through: Mr. Khagesh B. Jha, Advocate

Versus

**MAHARAJA AGRASAIN EDUCATIONAL SOCIETY AND  
ORS.**

..... Respondents

Through: Mr. Kamal Gupta, Mr. Kriti  
Kakkar & Ms. Tripti Gupta, Advocates for  
respondents No.1 & 2

Mr. Uttam Dutt & Ms. Riya Gulati, Advocates  
for respondent No.3

**CORAM:**

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

**ORDER**

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**03.01.2018**

**C.M. 46529/2017 (u/S 151 CPC)**

Upon hearing, the application is allowed.

With the consent of counsel for the parties, the hearing in  
accompanying petition is preponed for today itself.

The application is disposed of.

**W.P.(C) 9977/2017**

1. The prayer made in this writ petition is to quash the Advertisement  
of 10<sup>th</sup> October, 2017 (*Annexure P-1*) vide which applications for  
appointment to the post of Principal have been invited. Petitioner claims

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to be a departmental candidate, eligible for being promoted to the post of Principal in the respondent-School.

2. The stand taken by counsel for first and second respondents in the counter affidavit is that petitioner is not eligible for the post in question, as she holds degree in B.Ed from Singhania University, Rajasthan, which is not recognized by National Council For Teacher Education (NCTE). It is submitted by counsel for first and second respondents that petitioner claims to have completed B.Ed in the academic session 2009-10 from Singhania University, Rajasthan whereas petitioner had applied for four days' leave only in the year 2009-10.

3. Learned counsel for petitioner maintains that petitioner had obtained B.Ed degree from Maharaja Agrasen Institute of Higher Studies, which is run by first respondent. Learned counsel for petitioner draws the attention to this Court's decision in *Archana Chugh & Anr. Vs. Ramjas School & Ors.*, 2015 SCC OnLine Del 13819 to submit that the question which had come up for consideration in the said decision was whether the post of Principal is a promotional post or not and upon finding that the post of Principal was a promotional post, it was directed that Departmental Promotion Committee (DPC) be held for selection of candidate on the promotional post of Principal.

4. Learned counsel for respondent-School seeks to distinguish decision in *Archana Chugh (Supra)* by pointing out that question of Principal's post being a promotional post is not disputed but since petitioner is not eligible, therefore, respondent-School is well within its rights to appoint Principal by way of direct recruitment.

5. Upon hearing and on perusal of material on record and the decision

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cited, I find that the question, “*whether petitioner is eligible to be appointed on the post of Principal or not*” is not required to be gone into by this Court in exercise of jurisdiction under Article 226 of the Constitution of India and this aspect has to be considered by the Departmental Promotion Committee. Such a view is being taken because it is the stand of respondent- *Directorate of Education* that the post of Principal in question is a promotional post.

6. In view of aforesaid, this petition is disposed of with direction to respondent- School to convene meeting of Departmental Promotion Committee (DPC) for appointment to the post of Principal in question within a period of six weeks. Upon verification, if it is found that petitioner’s B.Ed degree is from a recognized institution, then petitioner be duly considered by the DPC. In case petitioner is not eligible for being considered for the post in question, then it would be open to respondent-School to appoint Principal by direct recruitment after intimating petitioner about it.

**(SUNIL GAUR)**  
**JUDGE**

**JANUARY 03, 2018**

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