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

+ LPA 22/2018

GAGAN GANDHI

..... Appellant

Through: Mr.Vivek Kumar Tandon and Mrs.Mamta
Tandon, Advocates

versus

DIRECTORATE OF EDUCATION & ANR.

..... Respondents

Through: Mr.Anuj Aggarwal, ASC, GNCTD with
Mr.Kanishk Rana and Mr.Ravi Sehgal,
Advts. for R-1/DOE with Mr.Yogesh
Kumar, DEO, Zone XI.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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23.07.2018

1. Despite service, none has appeared on behalf of respondent no.2. Challenge in the appeal is to the order dated 25.09.2017 passed in W.P.(C) 4215/2017 and order dated 17.11.2017 passed in Review Petition 493/2017 in W.P.(C) 417/2017 by the learned Single Judge
2. Two writ petitions being W.P.(C) 4215/2017 & W.P.(C) 417/2017 were decided by a common order dated 25.09.2017. W.P.(C) 4215/2017 was filed by Alpana Gautam whereas W.P.(C) 417/2017 was filed by the appellant herein. Ms.Alpana Gautam had challenged the communication dated 2/3.05.2017 issued by the Deputy Director of Education, Zone XI, Govt. of NCT of Delhi to hold a review DPC with regard to the promotion for the post of PGT, Political Science from the date of completing mandatory five years of service. This writ petition was contested by the appellant herein on the ground that the said Alpana Gautam could not have been granted promotion upon relaxation of the rule

pertaining to five years' experience. It was held that Ms.Alpana Gautam had been wrongly promoted as the rule could not have been relaxed and the record pertaining to Alpana Gautam was not traceable. While deciding the writ petition of the appellant herein the learned Single Judge directed the Director of Education to hold a DPC for promotion to the post of Vice Principal considering all eligible persons. Mr.Vivek Kumar Tandon, counsel for the petitioner submits that with the passage of time, the appellant has not only become eligible for the post of Vice Principal but also for the post of Principal. He, thus, seeks modification of order dated 25.09.2017 and prays for a clarification that the appellant herein be considered in the DPC, which should be directed to be held for the post of Principal as well. Learned counsel for the Director of Education, on instructions from Mr.Yogesh Kumar, Deputy Education Officer, Zone XI, submits that the DPC for the post of Principal would only be held after the DPC for the post of Vice Principle . He further submits that the DPC was held on 18.07.2018 but the same was postponed for various reasons including that all the members were not present. He further submits that the DPC for the post of Principal will also be held after the DPC for the post of Vice Principal. Additionally, it is pointed out that the appellant has superannuated.

3. Mr.Tandon submits that since the appellant has superannuated, he only seeks a modification to the extent that all eligible persons may be considered in the DPC and in case, the appellant is eligible, his name may also be considered.

4. We have heard learned counsels for the parties. Counsel for the respondent has explained that in compliance of the order of the High Court, a DPC was held on 18.07.2018 but the same was postponed. It has also been submitted by counsel for the DOE that a DPC for the post of Vice Principal shall be held at the first instance and thereafter for the post of Principal.

5. Having regard to the submission made by the counsel for the appellant, we direct the respondent to consider the case of the appellant in accordance with

the rules. However, we make it clear that we have not expressed any opinion on the eligibility of the appellant.

6. With the above directions, the LPA stands disposed of, as prayed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 23, 2018/rb/