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

+ **W.P.(C) 5828/2018 & CM APPL. 22655/2018**

VINEETA GUPTA

..... Petitioner

Through: **Mr. A.K. Bhardwaj, Advocate.**

versus

**THE MANGER (AFFSSS)/SENIOR EDUCATION OFFICER AND
ORS.**

..... Respondents

Through: **Mr. Satish Kumar, Advocate for R-1
& R-2.**

**Mr. Zohen Hossain, Addl. St. Counsel
for GNCTD with Ms. Sampurnaa
Sanyal and Ms. Naincy Jain,
Advocates for R-3.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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15.02.2019

1. Vide the present petition, the petitioner seeks direction thereby directing the respondents to finalise the proceedings of the DPC for promotion to the post of Vice Principal, met on 27.01.2017 and to consider the petitioner for promotion to the post, on the basis of her record as on date, when her eligibility was/ could be determined for the post or vacancy could be available i.e. 01.04.2015/01.06.2016 and to give her resultant promotion with all consequential benefits.

2. Vide order dated 28.05.2018, this Court passed an order as under:-

“Learned counsel for petitioner expresses an apprehension that in the meantime, Departmental Promotion Committee meeting would be convened by

*respondents while considering the service record of petitioner up to this year, whereas in view of decision of Division Bench of this Court in W.P. (C) 629/2014 titled **UPSC vs. Renuka Tyagi** (Annexure P-27) rendered on 14th October, 2014, the service record of petitioner only up to the year 2015-2016 has to be considered.”*

Needless to say, if the DPC for promoting petitioner to the post of Vice Principal is held, then service record of petitioner up to year 2015-2016 be considered.”

3. Learned counsel appearing on behalf of respondents school submits that the DPC could not be convened due to non availability of the nominee of respondent No. 3, the Directorate of Education, Government of NCT of Delhi.
4. In order dated 25.09.2018, it is recorded on the submissions of the counsel for the parties that respondent No. 3 is only a pro forma party.
5. The fact remains that the DPC met on 27.01.2017 and no final decision has been taken on the post in question i.e. the Vice Principal. It is not in dispute that thereafter, DPC has not been conveyed due to the reason that the respondent No. 3 could not provide nominee to participate in the DPC.
6. Learned counsel appearing on behalf of respondent Nos. 1 and 2 has produced the communication dated 24.12.2018 and 07.02.2019 to the DDE (Zone-20), Directorate of Education, Vasant Vihar regarding to make the availability of the nominee for the purpose of DPC to be conducted.
7. In view of the facts recorded above and the averments made in the instant petition, I hereby dispose of the present petition directing the respondent Nos. 1 and 2 to convene DPC, within four weeks from the receipt

of this order. Respondent No. 3 is directed to nominate its nominee to participate in the DPC to be conducted by respondent Nos. 1 and 2.

8. I hereby made clear that the DPC shall consider the service record of the petitioner till the date 27.01.2017 when the first DPC was to meet.

9. The petition is, accordingly, disposed of.

SURESH KUMAR KAIT, J

FEBRUARY 15, 2019

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