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

% *Date of Decision: 08th February, 2023*

+ W.P.(C) 1253/2017 & C.M. APPL. 6177/2023

DINESH SHARMA

..... Petitioner

Through: Mr. Sarfaraz Khan, Advocate.

versus

RAMJAS SCHOOL AND ORS.

..... Respondents

Through: Mohd. Amanullah and
Mr. Azhar Ali, Advocates for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been filed by the Petitioner who was appointed as PGT (Mathematics) on 17.07.1992 for a period of three months. Subsequently, he was placed on probation on 31.07.1993 and was confirmed on 15.09.1994. Respondent No.5, whose selection as Principal is assailed in the writ petition, was appointed as TGT in 2000. Pursuant to an advertisement published on 28.01.2014, Respondent No.5 was appointed as Officiating Principal and thereafter on being recommended by a DPC convened on 21.09.2016, Respondent No.5 was promoted to the post of Principal.

2. By the impugned Memorandum dated 12.05.2016, Petitioner's ACRs for the period 2011-12 to 2014-15 were downgraded to "Above Average" and thus in the present petition, Petitioner seeks quashing of the said Memorandum as well as impugns the selection of Respondent No.5 as Principal of Respondent No.1/School.

3. Pleadings are complete in the writ petition and Petitioner has filed an application being C.M. APPL. No.6177/2023 for fixing an actual date of hearing since Rule was issued on 19.09.2018. It is on account of this application that the matter has come up before the Court.

4. Learned counsel for the Petitioner, at the outset, fairly submits that on account of certain developments during the pendency of the writ petition, he does not press the aforementioned application as the reliefs claimed in the writ petition are rendered infructuous. It is stated that Respondent No.5, whose selection is assailed in the writ petition and who was instrumental in downgrading the ACRs of the Petitioner, was terminated for her illegal activities and the School has entered into a settlement with Respondent No.5, subsequently. In the light of this development, Respondent No.1 has decided to undo the wrongdoings of Respondent No.5 including upgrading the impugned ACRs of the Petitioner to a grading of "Excellent". In this light, it is the submission of the counsel for the Petitioner that the writ petition be disposed of, directing Respondent No.1 to hold a review DPC and reconsider the case of the Petitioner with upgraded ACRs.

5. Learned counsel appearing on behalf of Respondent No.1 acknowledges the fact that a decision has been taken to upgrade the impugned ACRs of the Petitioner as the same were found to have been downgraded due to the personal vendetta of Respondent No.5. It is further submitted that after the ACRs are upgraded, the School shall convene a Review DPC to reconsider the case of the Petitioner for appointment as Principal.

6. In view of the aforesaid, the writ petition is disposed of, taking on record the submissions made on behalf of Respondent No.1 that the impugned ACRs of the Petitioner shall be upgraded to "Excellent" and

a Review DPC shall be held for reconsideration of his case for promotion to the post of Principal.

7. Needless to state that if the Petitioner is promoted, all consequential benefits shall accrue to the Petitioner in accordance with law.

8. Pending application also stands disposed of.

FEBRUARY 08, 2023/rk

JYOTI SINGH, J



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