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

+ **CONT.CAS(C) 343/2024**

SMT. SANTOSH SETHI

..... Petitioner

Through: Mr. Nishant S. Diwan with
Mr. Himanshu and Mr. Ramkesh
Kaushal, Advocates.
(M): 9899837371
Email: advnsdiwan@gmail.com

versus

DEPARTMENT OF EDUCATION & ORS.

..... Respondents

Through: Ms. Latika Choudhary, Advocate for
respondent no. 1.
Mr. Karan Sharma with Ms. Urvi
Kashiwal, Advocates for respondent
no. 3 and 4.
(M): 9999777847
Email: karan.sh70@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

27.03.2024

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1. Pursuant to the last directions, learned counsel appearing for the respondents informs that Departmental Promotion Committee ("DPC") was held on 23rd March, 2024. A copy of the Minutes of DPC dated 23rd March, 2024 has been handed over to this Court, which is taken on record.
2. The Minutes of Meeting of DPC held on 23rd March, 2024 is reproduced as under:-



“ School Id No. 1208132

Phone:-66502115

Sri Guru Teg Bahadur Girls Sr. Sec. School (Govt. Aided)
PUL BANGASH, Delhi-110006

Ref No. S.G.T.B/PB/2024/52

Dated 23/3/24

Minutes of meeting of DPC for promotion to the post of Vice-Principal/HoS

In compliance of the directions of the Hon'ble High Court of Delhi vide its Order dated 21/03/2024 in CONT. CAS (C) 343/2024 in W.P. (C) No. 7463/2023 titled as Smt. Santosh Sethi Vs Department of Education & Ors., a meeting of the Departmental Promotion Committee (DPC) constituted under Rule (96) (3) (a) of DSEAR, 1973 to select and recommend the name of candidate to fill up the vacant post of Vice-Principal in SGTB Girls Sr. Sec. School, Pul Bangash, Delhi-110006 through promotion was held on dated 23/03/2023 at 11:00 AM in the school premises.

The following members were present:

NAME	DESIGNATION
i. Sh. Parlad Singh Sawhney	Chairman of the School management Committee
ii. Ms. Neelam Yadav	Educationist (DDE North)
iii. Dr. A.K. Bhatt	Educationist (DDE North West-A)
iv. Ms. Reeta Gupta	DE's Nominee (DDE Zone-28)

That, earlier the DPC was held on 09/02/24 in compliance of the directions of the Hon'ble High Court of Delhi vide its order dated 09/01/2024 & 25/01/2024 in W.P. (C) 7463/2023 & C.M. Appeal 4871/2024 titled as Smt. Santosh Sethi vs Department of Education & Ors. and the same was deferred due to discrepancy in ACRs. Thereafter, the Hon'ble High Court of Delhi vide its order dated 21/03/2024 has referred the circular dated 22/11/1991 and observed that it was for the Management of the school to consider that the said ACRs had to be maintained in a proper manner and the benefit of any discrepancy shall go in favour of the petitioner herein. Also, it was observed by the Hon'ble High Court of Delhi that the petitioner is going to retire on 31/03/2024 and the time is very short for the respondent to rectify the discrepancy, therefore, in the peculiar facts and circumstances of the present case, directions were issued to convene the DPC and to consider the case of the petitioner on the basis of the available material. The operative part of the said order is retrieved herein:-

7. In view of the aforesaid, it is clear that in case there is any discrepancy in the ACRs of the petitioner, it was for the management of the school to consider that the said ACRs were



maintained in a proper manner. Accordingly, in view of the aforesaid circular issued by the DOE, the benefit of any discrepancy shall go in favour of the petitioner herein.

8. Accordingly, it is directed that the respondents shall go ahead with holding of the DPC to consider the case of the petitioner for her promotion to the post of Vice-Principal on the basis of the available records. The objection as raised by the DOE in the last DPC cannot be a ground for deferring the DPC, as benefit of any discrepancy on the part of the School Management has to be given to the petitioner.

The case of Smt. Santosh Sethi, PGT (Maths) for promotion to the post of Vice/Principal was considered by the DPC on the basis of the all the documents/Certificates available before the DPC and after considering the above documents/certificates, the DPC unanimously recommended the name of Smt. Santosh Sethi, PGT Maths for promotion to the post of Vice-Principal in SGTB Girls Sr. Sec. School Pul bangash Delhi-06. Further, this recommendation is only in compliance of the directions of the Hon'ble High Court of Delhi and it will not be considered as precedent in future.”

3. The aforesaid Minutes of Meeting of DPC held on 23rd March, 2024 clearly recommends the name of the petitioner for promotion to the post of Vice-Principal in Sri Guru Tegh Bahadur Girls Sr. Sec. School, Pul Bangash, Delhi-110006.

4. Thus, the order dated 09th January, 2024 passed in W.P. (C) No. 7463/2023 has been complied with.

5. Since the petitioner has already been recommended for promotion to the post of Vice-Principal in the aforesaid school, it is directed that the respondent school shall issue appropriate orders for promotion of the petitioner forthwith today itself, considering the fact that the petitioner is due to retire on 31st March, 2024.

6. Needless to state that the petitioner shall be entitled to all the consequential benefits in view of her recommendation by DPC for promotion to the post of Vice-Principal.



7. The present petition is accordingly disposed of with the aforesaid directions.

MINI PUSHKARNA, J

MARCH 27, 2024

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