



\$~99

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

+ **W.P.(C) 12705/2024**

DEEPAK GUPTA PGT

.....Petitioner

Through: Mr. Ankit Bhadoria, Mr. Umesh Singh and Ms. Karishma, Advocates.

versus

GOVT OF NCT OF DELHI THROUGH ITS SECY. MINISTRY OF EDUCATION & ORS.

.....Respondents

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

10.09.2024

CM APP No. 52938-39/2024

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 12705/2024

3. Present writ petition has been preferred on behalf of the Petitioner seeking grant of 1st financial upgradation under Modified Assured Career Progression ('MACP') Scheme w.e.f. July, 2018.
4. Petitioners avers that he was appointed as PGT Mechanical Drawing with Diwan Chand Arya Sr. Sec. School, Lodhi Road/Respondent No.3 on 01.07.2008 and became eligible for 1st upgradation under MACP Scheme in July, 2018 on completion of 10 years regular service and while similarly placed persons have been granted the said benefit, Petitioner had been denied the 1st financial upgradation. On 21.02.2024, Petitioner states that he



was declared surplus from the school despite working for 16 years and adjusted in Ramjas Senior Secondary School No.2, Anand Parbat. Representations have been made to both the schools but till date his case is not being considered for grant of the benefit and hence the Petitioner has approached this Court.

5. Issue notice.

6. Mr. Yeeshu Jain, learned ASC accepts notice on behalf of Respondents No. 1 to 3 and relies on a Circular dated 10.08.2023 issued by Directorate of Education (DoE) whereby DoE has directed the Heads of all schools to comply with its earlier circular dated 18.07.2023 and obtain necessary documents so that all those employees who are eligible for grant of benefits under MACP Scheme are not deprived of their benefits and their cases are processed without any delay. Mr. Jain submits that despite the directions, schools are not taking requisite steps and supports the case of the Petitioner.

7. At this stage, in my view, it would be appropriate to dispose of the writ petition with a direction to Respondents No. 4 and 5 to decide the pending representations of the Petitioner as also treat this writ petition as an additional representation and take a decision thereon, in light of the MACP Scheme dated 19.05.2009. Needless to state that if Petitioner's case is considered for grant of 1st financial upgradation under the MACP Scheme and he is found entitled, benefit shall be released to him within six weeks from the date of consideration. In case for any reason, the Competent Authority is of the view that benefit cannot be granted, a reasoned and speaking order shall be passed within two months from the date of receipt of this order and communicated to the Petitioner within one week of the



decision. In that event, Petitioner will be at liberty to take recourse to legal remedies, if so advised.

8. Writ Petition stands disposed of in the aforesaid terms, with no expression on the merits of the case.

JYOTI SINGH, J

SEPTEMBER 10, 2024/shivam/ka