



2024:DHC:9886-DB



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

+ **W.P.(C) 17545/2024, CM APPL. 74715-16/2024, 74757/2024**

**GOVT OF NCT OF DELHI AND ANR .....Petitioners**

Through: Mrs. Avnish Ahlawat, SC with  
Mr. Nitesh Kumar Singh, Ms. Laavanya  
Kaushik, Ms. Aliza Alam and Mr. Mohnish  
Sehrawat, Advs.

versus

**VIKRAM AND ORS**

.....Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**JUDGMENT(ORAL)**

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**19.12.2024**

**C. HARI SHANKAR. J**

1. In this case, the respondent was considered for promotion to the post of Post Graduate Teacher<sup>1</sup>, first by a Departmental Promotion Committee<sup>2</sup> DPC convened on 27 June 2006 and, later, by a second DPC which was convened on 13 October 2006. The DPC which was convened on 27 June 2006 did not promote him as PGT on the sole ground that the qualification of SAV, which was possessed by him, was not one of the prescribed qualifications for the post of PGT, which included B.Ed.

<sup>1</sup> PGT  
<sup>2</sup> DPC



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2. The Tribunal notes that, on the basis of the very same qualification, the respondent was promoted as PGT four months later by the DPC held on 13 October 2006. The impugned order also notes that, in the counter affidavit filed by the petitioners, as the respondents, before the Tribunal, *there is a specific acknowledgment by the respondents that the DPC had regarded the qualification of SAV as equivalent to the qualification of B.Ed* and on that basis the respondent was promoted by the DPC on 13 October 2006. The Tribunal also notes that if the qualification of SAV was regarded as equivalent to the qualification of B.Ed. by the DPC which convened on 13 October 2006, there could be no justification for rejecting his entitlement for promotion by the earlier DPC which convened on 27 June 2006 on the sole ground that the respondent possessed only the qualification of SAV.

3. We deem it appropriate to reproduce the relevant paragraphs of the minutes of the DPC which was convened on 27 June 2006 and the second DPC which was convened on 13 October 2006:

Para 10 of DPC minutes dated 27 June 2006:

“10. The DPC considered the cases of promotion of the following teachers to the post of PGT and in view of the fact that they possess a certificate in LT, OT or SAV which is not as per RRs (as per RRs the qualification is a degree/diploma in training/Education), the DPC did not find them eligible for promotion to the post of PGT mentioned against each.

| Sl. No. | Name & Desgn. | Desg. | Category | Snty No | DOB     | Qualifi-cation | Being consider-ed for promoti-on in subject |
|---------|---------------|-------|----------|---------|---------|----------------|---------------------------------------------|
| 1       | Shyam         | TGT   | SC       | 2840    | 18/8/58 | LT             | Econom                                      |

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|   |                      |                |     |      |          |                       |               |
|---|----------------------|----------------|-----|------|----------|-----------------------|---------------|
|   | Sunder               | (S.Sc)         |     |      |          |                       | -ics          |
| 2 | Vikram               | TGT<br>(Hindi) | ST  | 2334 | 01/9/67  | SAV                   | Hindi         |
| 3 | Ami<br>Chand         | TGT<br>(S.Sc)  | ST  | 2985 | 10/6/46  | SAV                   | History       |
| 4 | V S<br>Yadav         | TGT<br>(Skt)   | Gen | 139A | 10/4/57  | OT                    | Sanskrit      |
| 5 | Brij Pal<br>Singh    | TGT            | SC  | 2246 | 15/01/60 | LT                    | Pol.Sc        |
| 6 | Janak                | TGT<br>(Eng)   | Gen | 3017 | 2/2/58   | SAV                   | Commer<br>-ce |
| 7 | Gulsh-<br>an<br>Kaur | TGT<br>(Math)  | Gen | 1946 | 20/4/48  | With-<br>out<br>B.Ed. | Math          |

Para 4 of DPC minutes dated 13 October 2006:

“4. The DPC considered the cases of promotion of teachers to the post of PGT who possess a SAV certificate issued by the Directorate of Education, GNCT of Delhi instead of B.Ed. or its equivalent which is pre-requisite as per RRs and recommends the promotion of such teachers who possess SAV certificate instead B.Ed. or its equivalent, *as the SAV certificate being considered equivalent to B.Ed.* in case of promotion of teachers from Asst. Teacher to TGT. The DPC also decided that cases of similarly placed teachers who were not recommended for promotion in the previous DPC held on 27.06.2006 be placed in the next DPC for consideration.”

4. The respondent was promoted as PGT w.e.f. 17 November 2006 on the basis of the recommendation of the second DPC held on 13 October 2006.

5. To a query from the Court as to why the first DPC regarded the respondent as not having possessed the requisite educational qualifications, whereas the second DPC treated the qualification of SAV as equivalent to that of B.Ed., Mr. Singh's submission is that the decision of the second DPC was based on a clarification obtained from the Department of Education. Clearly, the respondent would be entitled to the benefit of the said clarification even in the case of the

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first DPC which met on 27 June 2006.

6. The petitioner also conceded, in the counter-affidavit to paras 4.8 to 4.10 of the OA as filed before the Tribunal, that the qualification of SAV was equivalent to the qualification of B.Ed. We reproduce the paragraph thus:

“4.8-4.10 The recruitment rules for the post of PGTs do not have a separate provision for the teachers having SAV certificate. The RRs for the post of PGT require degree or Diploma in training, Education. As the applicant was holding SAV in Training Education, his name was not considered for promotion in the DPC held on 27.06.2006. The DPC in its meeting held on 13.10.2006 considered the cases of promotion of teachers to the post of PGT who possesses SAV certificate issue by DOE, GNCT of Delhi instead of B.Ed or its equivalent which is prerequisite as per RRs and recommended the promotion of such teachers who possess SAV certificate of B.Ed or its equivalent, *as the SAV Certificate is being considered equivalent to B.Ed* in case of promotion of teachers from Asstt. Teacher to TGT. The DPC held on 13.10.2006 also decided the cases of similarly placed teachers who were not recommended for promotion on the previous DPC held on 27.06.2006 be placed in the next DPC for consideration. Accordingly cases of teachers possessing SAV/LT /OT rejected by DPC dated 27.06.2006 are being placed before the DPC for considered.”

(Emphasis supplied)

7. In that view of the matter, the Tribunal was clearly justified in holding that the respondent could not have been denied promotion by the DPC which was held on 27 June 2006 solely on the basis of the fact that the qualification of SAV which he possessed was not a requisite qualification for promotion as PGT.

8. Mr. Singh thereafter submits that the respondent did not specifically challenge the decision of the DPC which was convened on



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27 June 2006.

9. We are unable to accept this submission for two reasons.

10. In the first place, it was only the counter affidavit filed by way of response to the OA that the petitioners disclosed the reason for the DPC held on 13 October 2006 promoting the respondent while the earlier DPC found him ineligible for promotion. This ground could not, therefore, have been taken in the OA. Nonetheless, we find that in the OA, the respondent has averred that non-consideration of his case for promotion by the DPC in 27 June 2006 was unjustified.

11. Secondly, in these circumstances, the respondent could have done no more than claiming that he was entitled to promotion in June 2006 and that, therefore, could not have been placed below officers who were junior to him as TGT and who were promoted by the DPC which convened on 27 June 2006. There is a specific prayer by the respondent challenging the seniority list and claiming seniority. The respondent also impleaded candidates below him in seniority who would be affected by his prayer.

12. In view of the aforesaid, we do not find any cause for interfering with the impugned judgment of the Tribunal. The judgment is upheld in its entirety.

13. The petitioner is granted four weeks' time to implement the judgment.



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**14.** The writ petition stands dismissed. No costs.

**C. HARI SHANKAR, J.**

**ANOOP KUMAR MENDIRATTA, J.**

**DECEMBER 19, 2024**

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*Click here to check corrigendum, if any*