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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15340-2004 (O&M)

Date of Decision: 24.12.2025

Sumati Kanwar

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ayush Gupta, Advocate
for the petitioner.

Mr. Avinit Avasthi, Addl. Standing counsel
for respondents No.2 to 4.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to upgrade post of Head Mistress to Principal and grant all consequential benefits.

2. The respondent No.5-I.S. Dev Samaj Girls Senior Secondary School is a Government Aided Private School. It is getting 95% grant in aid from Union Territory, Chandigarh. It from the academic session 1987-1988, with the permission from Director Public Instructions, UT Chandigarh, started 11th Standard Classes in Humanity. It got affiliation from CBSE, New Delhi w.e.f. 01.05.1988. Teachers of the School preferred **CWP No.14612 of 1993** before this Court seeking pay parity with Teachers working in Government Aided Schools. The said petition was allowed vide judgment dated 01.12.1995. The respondent preferred SLP which came to be dismissed by Apex Court on 12.01.2000. The petitioner, pursuant to Advertisement, applied for the post of Head Mistress and came to be selected vide appointment letter dated 11.11.1997. The Managing

Committee of the School decided to upgrade post of Head Mistress to Principal. The respondent-School vide order dated 18.05.1999 requested Education Department to grant approval to upgrade the post of Head Mistress. Director Public Instructions, Chandigarh requested Union of India to grant ex post facto sanction for creation of 12 posts of Lecturer and upgradation of post of Head Mistress.

3. Learned counsel for the petitioner submits that Managing Committee and Director Public Instructions ('DPI') acknowledged that post of petitioner had to be upgraded. The petitioner is claiming upgradation/re-designation and not creation of new posts. The petitioner fulfils requisite qualification for the post of Principal thus post of Head Mistress ought to be upgraded. Education Secretary asked for *ex post facto* sanction for creation of 12 posts of Lecturers and for upgradation of existing post of Head Mistress to Principal. The whole matter was stalled due to additional financial commitments on revision of pay scale. DPI vide letter dated 23.05.2002 again requested respondent no. 1 to grant *ex post facto* sanction for creation of 12 posts of Lecturers and for upgradation of existing post of Head Mistress to Principal.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. As per reply of Management and Chandigarh Administration, post of Headmaster/Headmistress may be upgraded to Principal. They have no objection, however, Central Government has not granted consent. As per Central Government, there is no precedent in any U.T. where posts in the privately run school have been created with the approval of Government of India. It means Government of India has

washed off his hands and decided to stay away from the matter. Now, it is Management or U.T. Administration which has to decide the matter. This Court in the absence of particular Rule cannot ask U.T. Administration to upgrade the post. Administration should take up the matter as per applicable Rules.

6. Accordingly, petition is *disposed of* with a direction to U.T. Administration to finally decide the matter.

(JAGMOHAN BANSAL)
JUDGE

24.12.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No