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

+ **W.P.(C) 918/2025**

PIRAIVANMATHI P

.....Petitioner

Through: Mr. Abhishek Jebaraj, Ms. A.
Reyna Shruti and Ms. Tara
Elizabeth Kurien, Advocates.

versus

DIRECTORATE OF EDUCATION & ORS.Respondents

Through: Mr. Kartikeye Dang, Advocate for
R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.01.2025

1. The petitioner is a teacher employed by respondent No. 2 - Delhi Tamil Education Association ["Association"]. She is currently posted in the respondent No. 3-School as a Trained Graduate Teacher ["TGT"] (English).
2. The petitioner had earlier approached this Court in W.P.(C) 9971/2024 for a direction upon respondent No. 2 to furnish her service record, and to consider her for promotion to the post of Post Graduate Teacher ["PGT"] (English). She also sought quashing of adverse remarks made against her in the ACRs/APARs for the years 2014-15 to 2020-21, and the benefit of the Modified Assured Career Progression Scheme--II ["MACPS II"].
3. The said writ petition was disposed of by an order dated

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22.07.2024, noting the averments in the writ petition to the effect that the petitioner was supplied with copies of her ACRs/APARs for the years 2014-15 till 2020-21 only on 24.05.2022. In the absence of a comprehensive representation made by her against the adverse remarks/below benchmark grading, the petitioner was granted liberty to prefer such a representation, and respondent No. 2 was directed to communicate its decision thereupon within four weeks. The remedies available to the petitioner, in case of further grievances, were reserved. It was further provided that the petitioner's case would be considered for promotion to the post of PGT (English) and for financial upgradation under MACPS-II in the event her ACRs/APARs were upgraded and/or adverse remarks expunged.

4. Pursuant to the aforesaid directions, the petitioner made a representation to the School, which was disposed of by a Memorandum dated 28.10.2024. The Internal Review Committee, constituted by respondent No. 2 – Association, came to a conclusion that the petitioner's APARs/ACRs cannot be upgraded.

5. In the present writ petition, she has challenged the said Memorandum and sought consequential directions with regard to quashing of adverse remarks against her in the concerned ACRs/APARs, promotion to PGT (English) and benefits of MACPS-II.

6. After the disposal of the earlier writ petition, the petitioner has also been served with two further memoranda on 29.07.2024 and 06.09.2024. The Memorandum dated 29.07.2024 refers to her APAR of the year 2022-23, and seeks to communicate certain adverse remarks against her. The Memorandum dated 06.09.2024 refers to a period from 01.04.2021 to



31.08.2021, and also seeks to communicate adverse remarks. Although these two memoranda contained an opportunity to make a representation against the entries in the APAR, she has not availed the opportunity.

7. Mr. Abhishek Jebaraj, learned counsel for the petitioner, submits that the copies of the concerned APARs for the period 01.04.2021 to 31.08.2021 and the year 2022-23 have not been supplied to the petitioner. In fact, he submits that only the APARs for the year 2014-15 to 2019-2020 have been supplied to the petitioner, but later ACRs/APARs have not been supplied to the petitioner at all. He draws my attention to paragraph No. 25 of the petitioner's representation dated 22.08.2024 wherein, even though the representation deals with the APAR for 2020-21, it is categorically stated that the complete copy thereof was not provided to her. Mr. Kartikeye Dang, learned counsel for respondent Nos. 2 and 3, disputes these contentions, and submits that the APARs were sought to be provided to the petitioner, but were not accepted.

8. Without entering into this factual controversy, respondent Nos. 2 and 3 are directed to provide the entire APARs for the years 2020-21, 2021-22 and 2022-23 [referred to in the memoranda dated 29.07.2024, 06.09.2024 and 28.10.2024] to the petitioner, through learned counsel for the petitioner, within a period of one week from today. The petitioner's earlier representation covers the years 2014-15 to 2019-20. If the entries in her later APARs are also adverse, she may make a further representation to respondent Nos. 2 and 3 within a period of one week after communication as aforesaid, and the representation will be disposed of within a period of two weeks thereafter.

9. Mr. Dang points out that the petitioner's challenge to the entries in



her APARs are premature at this stage, as she has a remedy of appeal before the Directorate of Education [“DoE”] under Rule 112(7) of the Delhi School Education Rules, 1973. After disposal of the representation, if any, as aforesaid, she may exercise the appellate remedy before DoE within a period of four weeks.

10. Having regard to the peculiar facts of this case, including the fact that the petitioner’s APARs for several years have been communicated to her only pursuant to the order of this Court dated 22.07.2024, it is directed that if the petitioner files her appeal within the period aforementioned, the DoE may consider the same on merits and not dismiss it on the ground of delay.

11. The petition is disposed of in terms of the aforesaid directions.

12. All rights and contentions of the parties on merits are left open.

PRATEEK JALAN, J

JANUARY 24, 2025

SS/AD/