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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 107/2026

DR. RAM NARESH

.....Appellant

Through: Mr. Sarvesh Singh, Mr. Shiv Kumar,
Mr. Deepak Chand and Mrs. Parnita
Sharma, Advocates.

versus

THE PRESIDENT, MANAGEMENT
COMMITTEE AND ORS

.....Respondents

Through: Mr. Parvinder Chauhan, Senior
Advocate with Mr. Puneet Bhardwaj,
Advocate for R1 & 2.
Mrs. Avnish Ahlawat, SC with Mr.
Nitish Kumar Singh, Advocate for
GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
12.03.2026

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CM No.14222/2026 (for exemption)

1. Exemption is allowed, subject to all just exception.
2. The Application stands disposed of.

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3. Heard the learned Counsel for the Parties.
4. This *intra court* Appeal seeks to challenge an order dated 23.01.2026 passed by the learned Single Judge ("**Impugned Order**"), whereby W.P.(C) 16807/2025 ("**Writ Petition**"), instituted by the Appellant – Petitioner has been dismissed on the ground that the post against which the Appellant is seeking his promotion, is a selection post and further that such a post is required to be filled through a competitive, merit-based selection process



which is distinct from non-selection post that is ordinarily filled on the basis of seniority or length of service. The learned Single Judge has also observed, while dismissing the Writ Petition by passing the Impugned Order, that the Appellant cannot claim any automatic or vested right to appointment to the post of Principal merely on account of his eligibility or seniority.

5. The rules regulating the appointment / recruitment to the post of Principal in a privately managed, recognised and Government aided institution have been framed under Section 8(1) read with Section 13 of the Delhi School Education Act, 1973 (“Act”), which provide that the administrator may make rules regulating the minimum qualification for recruitment and conditions of service of employees recognised by its schools. Thus, the recruitment rules framed under Section 8(1) read with Section 13 of the Act, which have been notified on 07.04.1980 are statutory in nature and, therefore, the same are binding on all concerned.

6. We have been informed by the learned Counsel representing the Respondent – Institution that the vacancy for the post of Principal in the Institution concerned occurred in the year 2022, however, till date no steps have been taken by the Institution concerned for filling up of the said post. It has been stated by the learned Counsel representing the Respondent – Institution that presently an Officiating Principal is working on the said post.

7. It is correct that the Appellant – Petitioner cannot claim any automatic or vested right to appointment to the post of Principal merely on account of his eligibility or seniority, however, right of consideration for promotion is a fundamental right. Right to be promoted, in itself, may not be a fundamental or statutory right of an employee, however, consideration for promotion, if not done by the employer would, in our opinion, infringe Article 16 of the



Constitution of India, 1950.

8. It is also true that the service rules notified *vide* Notification dated 07.04.1980 describe the post of Principal as a selection post, however, it further prescribe that the post of Principal shall be filled in by promotion failing which, by direct recruitment.

9. The relevant provision under the service rules, which specifies that the post of Principal shall be filled in by promotion, failing which by direct recruitment is quoted hereunder:

“Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of Probation	Method of recruitment	In case of rectt. by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a Selection Committee exist what is its composition
6	7	8	9	10
1. Age: No. (ii) Qualifications: yes except as indicates in Col No. 5.	One year	By Promotion failing which by direct recruitment.	Promotion out of (i) PGT/HM/of the same school with at least 5 years experience as PGT/HM. (ii) PGTs with at least 10 years experience as TGT in case of Secondary Schools.	The Selection Committee as prescribed under the Delhi Education Act and Rules.
NOTE.-Competent Authority may relax the essential qualifications in exceptional cases of the candidates of the same school, after recording reasons therefor.				

By order, V.P. SURI Dy. Secy. (Education)
For and on behalf of Administrator of Delhi”

10. As already noticed above, the regular vacancy in the post of Principal had occurred way back in the year 2022 and by all means steps ought to have been taken by the Institution concerned will in a reasonable time from the date



of occurrence of vacancy to fill up the said post on regular basis. We have already noticed that though the Appellant – Petitioner may not have any right to be appointed to the post in question, however, his right of consideration for promotion to the post in question in terms of the recruitment rules, cannot be denied.

11. For the aforesaid reasons, we do not find ourselves in agreement with the Impugned Order passed by the learned Single Judge.

12. The Appeal is, therefore, allowed and the Impugned Order is hereby set aside.

13. A further direction is issued to the Respondent – Institution to initiate the process of promotion for filling up the post of Principal in the Institution concerned, in accordance with the recruitment rules and extant circulars, etc., if any, within a period of four weeks. Once the process is initiated, the consideration of the Appellant – Petitioner along with other eligible candidates, if any, shall be made for promotion to the post in question and the said process shall be completed within a period of three months thereafter.

14. We also direct that if any processes are to be completed by the Directorate of Education, once any such request is made by the Institution, the same shall also be considered and appropriate decision in respect thereof shall be taken by the Directorate of Education strictly in accordance with law.

15. There shall be no order as to cost.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 12, 2026/sms