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

\# **CNR No. DLHC010256932026**

\+ LPA 439/2026, CM APPL. 38391/2026, CM APPL. 38392/2026, CM APPL. 38393/2026 & CM APPL. 38394/2026

DIRECTORATE OF EDUCATION ....Appellant

Through: Mrs. Avnish Ahlawat, Standing Counsel along with Mr. Nitesh Kumar Singh, Ms. Aliza Alam & Mr. Mohnish Sehrawat, Advocates.

versus

KUM POONAM SHARMA & ANR. .....Respondents

Through: Mr. Deeptakirti Verma & Ms. Neha Sharma, Advocates for R-1.
Mr. R. Krishnaamorthi & Mr. Purshotam, Advocates.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY SHARMA

O R D E R

% 02.11.2026

1. This is an unfortunate litigation faced by Respondent No. 1 who otherwise was entitled to promotion and also by virtue of order of this Court in W.P.(C) 4881/2013 ("**Writ Petition**") which was decided on 03rd February, 2023.

2. The said order was tested by the appellant before the Hon'ble Apex Court, however, the same was unsuccessful. Rather, it was the stand of the appellant that the candidature of Respondent No. 1 shall be considered for the purpose of promotion as reflected in the order dated 29th May, 2023,

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passed by learned Single judge in CONT.CAS(C) 751/2023. The order dated 29th May, 2023, passed by the learned Single Judge reads thus :-

> "*1. Issue notice. The learned counsel for the Respondent No. l accepts notice.*
> *2. She states on instructions that the Department of Education ('DOE') will issue a notice to the Marwari Senior Secondary School ('School') before the end of the day directing them to hold a Departmental Promotion Committee ('DPC') for giving effect to the judgment dated 03.02.2023.*
> *3. She states on instructions that Respondent No. l has not received. any intimation from the School for holding the DPC and to that extent, she disputes the contents of the letter dated 22.03.2023 placed on record as annexure 'C'.*
> *4. None appears on behalf of Respondent No.2, despite advance service.*
> *5. Upon steps being taken by the Petitioner, issue notice to the Respondent No.2 through speed post and e-mail.*
> *6. Respondent No.2 is directed to remain present in Court on the next date of hearing; if the judgement dated 03.02.2023 has not been given effect to prior to the hearing.*
> *7. List for compliance on 10.08.2023.*"

3. In spite of the above, without complying with the order, the appellant has approached before this Court questioning the order dated 23rd April, 2026 alleging that (a) the learned Contempt Court has exceeded its jurisdiction; and b) there exists no sanctioned posts on the establishment of the school- Respondent No. 2 so as to grant promotion to Respondent No. 1.

4. We have appreciated the said contentions.

5. At the outset, we are required to consider that in Writ Petition *vide* order dated 03rd February, 2023, in Paragraph No. 36, a specific observation was made in favour of Respondent No. 1 that, Respondent No. 1 was

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entitled to be promoted to the post of PGT (History) with effect from the date when Respondent No. 3 was promoted on the post with all consequential benefits.

6. The learned Single Judge made a categorical observation that it is not barring on the issue as regards the merit of the grant of promotion to Respondent No. 3 in the said petition.

7. The said order dated 03rd February, 2023 in Writ Petition was tested in SLP preferred by the appellant passed in ***Directorate of Education v. Poonam Sharma & Ors***. [*Civil Appeal No. 2424-2425 of 2026 (arising out of SLP(Civil) Nos. 10230-10231 of 2025)*] and the same suffered dismissal *vide* order dated 10th February, 2026, with a direction to comply with the order within a period of eight weeks.

8. This non-compliance perhaps has prompted Respondent No. 1 to prefer a contempt petition, in which the impugned order dated 23rd April, 2026 came to be passed.

9. In the given facts and circumstances of the case, we would have saddled the cost on the appellant, to be recovered from an officer who has taken the decision to file present Letters Patent Appeal as the office of the appellant is equally responsible for granting/approving promotion, may be legally or illegally to the Respondent No. 3 in spite of the fact that the annual remark (average) was recorded. Respondent No.3 has claimed that such remarks were not communicated.

10. It is for the appellant to resolve the issue being a party to the complication created by their own conduct of granting approval to the promotion of Respondent No. 3 as reflected in the order dated 03rd February, 2023, in Writ Petition.

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11. However, we refrain from saddling cost on the appellant, as it is for the appellant to comply with the order of granting promotion. The mode and manner in which the promotion can be granted to Respondent No. 1 is well within their ambit and knowledge.

12. With the aforesaid observations, the present Letters Patent Appeal stands dismissed. Pending applications, if any, also stand disposed of.

NITIN WASUDEO SAMBRE, ACJ

SANJAY SHARMA, J

NOVEMBER 2, 2026/ *'AN'/SS/ok*

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