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

+ **W.P.(C) 7062/2025 & CM APPL. 31855/2025**

ANJU KAPOOR

.....Petitioner

Through: Mr. Sushil Dutt Salwan, Senior
Advocate along with Mr. Arjun Garg,
Advocate.

versus

DIRECTORATE OF EDUCATION & ANR.

.....Respondents

Through: Mr. Gaurav Dhingra, Mr. Shashank
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.04.2026

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1. This writ petition assails order dated 9th April, 2025, passed by Respondent No. 1/Directorate of Education,¹ whereby the Petitioner's promotion from the post of TGT (Science) to PGT (Political Science) has been declined approval on account of the prevailing Recruitment Rules.
2. Despite several opportunities, no counter affidavit has been filed on behalf of Respondent No. 1. The Court has, therefore, proceeded to hear the parties on the short question that arises for consideration hereinafter.
3. The brief facts necessary for adjudication are that the Petitioner, who holds a Master's degree in Political Science, has been serving as TGT (Natural Science) in Ramjas Girls Senior Secondary School, Daryaganj, New Delhi, an aided institution under Respondent No. 2, since 9th July, 2008.



4. By a Gazette Notification dated 29th September, 2022, the Post Graduate Teachers (various subjects, including Political Science) Recruitment Rules, 2022² were notified. The relevant provisions thereof are extracted hereinbelow:

7. Educational and other qualifications required for direct recruits.	Essential Qualification : 1. Master Degree in concerned subject from a recognized University/Institution with at least 50 percent marks in aggregate or equivalent grade in the following subjects:- PGT (Hindi) - Hindi. PGT (Sanskrit) - Sanskrit. PGT (Punjabi) - Punjabi. PGT (Urdu) - Urdu. PGT (Bengali) - Bengali. PGT (Agriculture) - Agriculture. PGT (Biology) - Botany/Zoology/Life science/Bio Sciences/ Genetics/Micro-Biology/Bio Technology/ Molecular Biology/Plant Physiology provided they have studied Botany and Zoology at Graduation level. PGT (Commerce) - Master's Degree in Commerce. PGT (Chemistry) - Chemistry/Bio Chemistry. PGT (English) - English PGT (Economics) - Economics/Applied Economics/Business Economics. PGT (Geography) - Geography. PGT (History) - History. PGT (Horticulture) - Horticulture. PGT (Maths) - Mathematics/Applied Mathematics. PGT (Psychology) - Psychology. PGT (Political Science) - Political Science. PGT (Physics) - Physics/Electronics/Applied Physics/Nuclear Physics. PGT (Sociology) - Sociology. 2. Bachelor of Education (B.Ed.) from a recognized University; Or B.A.B.Ed./B.Sc.B.Ed.; Or three year integrated B.Ed.-M.Ed. from any NCTE recognized institution. Note -1: The qualifications are relaxable at the discretion of the DSSSB/Competent Authority, for reasons to be recorded in writing, in the case of candidates otherwise well qualified. Note-2 : The qualification (s) regarding experience is/are relaxable at the discretion of the DSSSB/Competent Authority, for reasons to be recorded in writing, in the case of candidates belonging to Scheduled Castes or Scheduled Tribes, if at any stage of selection, the DSSSB/Competent Authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. Desirable Qualification: No. Experience: No.
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¹ "DoE"

² "2022 Recruitment Rules"



11. In case of recruitment by promotion/ Deputation/absorption grades from which promotion/ Deputation/absorption to be made,	Promotion : 1. TGTs in the subjects mentioned under the head Feeder Cadre below in Level-7of Pay Matrix having 02 years regular service in Directorate of Education. <table><tr><th>Feeder Cadre</th><th>Promotional Post</th></tr><tr><td>TGT (Hindi)</td><td>PGT (Hindi)</td></tr><tr><td>TGT (Sanskrit)</td><td>PGT (Sanskrit)</td></tr><tr><td>TGT (Punjabi)</td><td>PGT (Punjabi)</td></tr><tr><td>TGT (Urdu)</td><td>PGT (Urdu)</td></tr><tr><td>TGT (Bengali)</td><td>PG (Bengali)</td></tr><tr><td>TGT (English)</td><td>PGT (English)</td></tr><tr><td>TGT (Natural Science/Physical Science.</td><td>PGT (Biology/Chemistry/ Physics/Agriculture/ Horticulture/Psychology)</td></tr><tr><td>TGT (Mathematics)</td><td>PGT (Mathematics/Physics/ Chemistry)</td></tr><tr><td>TGT (Social Science)</td><td>PGT (Commerce/Economics/Geography/History/Political Science/ Psychology/Sociology.</td></tr></table> Note: Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service, or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.	Feeder Cadre	Promotional Post	TGT (Hindi)	PGT (Hindi)	TGT (Sanskrit)	PGT (Sanskrit)	TGT (Punjabi)	PGT (Punjabi)	TGT (Urdu)	PGT (Urdu)	TGT (Bengali)	PG (Bengali)	TGT (English)	PGT (English)	TGT (Natural Science/Physical Science.	PGT (Biology/Chemistry/ Physics/Agriculture/ Horticulture/Psychology)	TGT (Mathematics)	PGT (Mathematics/Physics/ Chemistry)	TGT (Social Science)	PGT (Commerce/Economics/Geography/History/Political Science/ Psychology/Sociology.
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5. On 31st December, 2022, a vacancy arose in the post of PGT (Political Science) on account of retirement of an incumbent. The Petitioner, being the senior-most eligible candidate, applied for promotion. On Respondent No. 2 seeking permission from the DoE to convene a Departmental Promotion Committee,³ although approval was granted, its nominee declined to fix a date for the meeting on the ground that, under the 2022 Recruitment Rules, a TGT (Natural Science) was not eligible for promotion to PGT (Political Science).

6. On 2nd November, 2023, when Respondent No. 2 sought clarification from the DoE regarding the applicability of the 2022 Recruitment Rules to aided schools, it was clarified that the school could follow the recruitment

³ “DPC”



rules applicable to aided institutions and proceed with the DPC.

7. Thereafter, by order dated 8th December, 2023, the DoE promoted 614 teachers to the post of PGT for the vacancy year 2022. The Petitioner submitted representations contending that the 2022 Recruitment Rules apply only to Government schools and further pointing out that cross-subject promotions had been permitted in several instances, including promotions of TGT (Science) teachers to PGT posts in subjects such as English, History, Economics and Political Science. The Petitioner accordingly requested that a DPC be convened to consider her case.

8. In the interregnum, the 2022 Recruitment Rules were challenged in OA No. 345/2023 before the Central Administrative Tribunal by a Teachers' Association and other TGTs. By order dated 11th September, 2024, the Tribunal quashed the entries in Column 11 of the Rules as being discriminatory and violative of Article 16 of the Constitution of India.

9. Subsequently, by communication dated 7th December, 2024, the DoE conveyed approval for convening the DPC to fill the vacancy of PGT (Political Science). Accordingly, the DPC met on 3rd January, 2025 and recommended the Petitioner for promotion, subject to approval by the Aided School Branch of DoE. However, by the impugned communication dated 9th April, 2025, the Deputy Director of Education (Zone-27) conveyed the refusal of the Aided School Branch to approve the recommendation on the ground that it was contrary to the prevailing Recruitment Rules governing the post of PGT (Political Science).

10. In the aforesaid circumstances, the Petitioner has approached this Court seeking quashing of the impugned communication, which reads as under:



“Subject: Promotion Case of Mrs. Anju Kapoor, TGT (Science).

Sir,

This is to inform you that the case for the promotion of Mrs. Anju Kapoor, TGT (Science), to the post of PGT (Political Science) was duly forwarded to the office of the Deputy Director of Education (ASB) for necessary approval.

However, we have received a response from the DDE (ASB) stating that the “recommendation of the Departmental Promotion Committee/School authorities for the said promotion cannot be accepted, as it is against the present/prevaling Recruitment Rules for the post of PGT (Political Science)”.

In light of the above, the promotion of Mrs. Anju Kapoor to the post of PGT (Political Science) stands unapproved.”

11. Mr. Sushil Dutt Salwan, Senior Counsel for the Petitioner, submits that the impugned order declining approval to the proposal forwarded by the DPC is arbitrary, unreasonable and unsustainable in law.

12. He submits that the impugned decision is founded on an erroneous interpretation of the 2022 Recruitment Rules. He points out that that Column 7 of the Rules prescribes the essential qualification for direct recruitment to the post of PGT as a Master’s degree in the concerned subject with at least 50% marks from a recognised university. The Petitioner satisfies this eligibility condition for PGT (Political Science). In contrast, Column 11 of the said Rules restricts eligibility only to TGT (Social Science) for promotion to the post of PGT (Political Science). This restriction, however, has been invalidated by the Central Administrative Tribunal in O.A. No. 345/2023, wherein Column 11 of the Recruitment Rules was tested on the anvil of Article 16 of the Constitution of India and the relevant entries were quashed. It is, therefore, his submission that the very basis on which the DoE has declined approval to the Petitioner’s promotion no longer survives.

13. Mr. Salwan further submits that the stand of the DoE is inconsistent with its own conduct. Placing reliance on order dated 8th December, 2023



issued by the Government of NCT of Delhi relating to promotions of teachers, he highlights that cross-subject promotions are permitted. TGT (Natural Science) and TGT (Mathematics) teachers have been promoted to the post of PGT (Political Science). It is urged that if such cross-subject promotions are permissible in Government schools, there is no justification for adopting a contrary position in the case of aided schools.

14. In sum, it is contended that the Petitioner fulfils all requisite qualifications for the post of PGT (Political Science), possesses nearly 18 years of teaching experience as a TGT, and there exists no lawful basis to deny approval to her promotion.

15. On the other hand, Mr. Gaurav Dhingra, counsel appearing for the Respondents, submits that the decision of the Central Administrative Tribunal, which forms the fulcrum of the Petitioner's case, is itself under challenge in W.P.(C) 1108/2025, and is presently pending consideration before a Division Bench of this Court. He further submits that even the order dated 8th December, 2023, relied upon by the Petitioner, expressly stipulates that the promotions effected thereunder shall remain subject to the outcome of O.A. No. 345/2023, which is presently under challenge. In these circumstances, this Court ought to await the final outcome of the said proceedings.

16. The Court has considered the rival submissions and perused the material placed on record, including the relevant provisions of the 2022 Recruitment Rules.

17. It is not in dispute that the denial of approval to the Petitioner's promotion is founded exclusively on Column 11 of the Recruitment Rules, which prescribes the feeder cadre for promotion to the post of PGT (Political



Science). Equally, it is a matter of record that by order dated 11th September, 2024 passed in O.A. No. 345/2023, the Central Administrative Tribunal has quashed the relevant entries in Column 11 as being violative of Article 16 of the Constitution of India. As on date, there is no interim stay of the said decision. In such circumstances, the quashed provision cannot be pressed into service to deny approval, and any action founded solely thereon cannot be sustained.

18. Even otherwise, a conjoint reading of Columns 7 and 11 of the Recruitment Rules reveals an incongruity. While Column 7 prescribes the essential qualification for direct recruitment to the post of PGT (Political Science) as a Master's degree in the concerned subject with at least 50% marks, a criterion admittedly fulfilled by the Petitioner, Column 11 restricts the zone of consideration for promotion only to TGT (Social Science). The effect of such a restriction is to exclude otherwise qualified candidates, like the Petitioner, who possess the requisite academic qualifications in the subject concerned. Once the eligibility to hold the post is determined by subject-specific academic qualification, a rigid classification within the feeder cadre, which excludes candidates possessing the very same qualification, lacks a nexus with the object sought to be achieved, and is plainly arbitrary.

19. The record further reflects that the DoE itself has, in practice, permitted cross-subject promotions, as is evident from the order dated 8th December, 2023. This lends credence to the Petitioner's contention that the restrictive interpretation now sought to be adopted is neither consistent nor uniformly applied. In any event, such an interpretation cannot be sustained once the underlying statutory provision itself stands quashed.



20. In view of the aforesaid, the impugned communication dated 9th April, 2025 cannot be sustained and is accordingly set aside. DoE is directed to pass appropriate orders granting approval to the recommendation of the DPC made in its meeting held on 3rd January, 2025, whereby the Petitioner was recommended for promotion to the post of PGT (Political Science).

21. It is, however, made clear that since the judgment of the Central Administrative Tribunal is under challenge before the Division Bench of this Court in W.P.(C) 1108/2025, the relief granted herein shall remain subject to the outcome of the said proceedings.

22. With the above directions, the petition is disposed of, along with pending application.

SANJEEV NARULA, J

APRIL 21, 2026/ab