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**(2017) 11 DEL CK 0471**

**In the Delhi High Court**

**Case No : Civil Writ Petition No. 9923 Of 2017**

Sunita Sharma

APPELLANT

Vs

Directorate Of Education & Anr

RESPONDENT

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**Date of Decision : 14-11-2017**

**Acts Referred:**

**Citation : (2017) 11 DEL CK 0471**

**Hon'ble Judges : Sunil Gaur, J**

**Bench : Single Bench**

**Advocate : Jitender Kumar Pandey, Naushad Ahmed Khan, Ritu Kumari**

**Final Decision : Dismissed**

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## **Judgement**

Sunil Gaur, J

1. Petitioner is a Trained Graduate Teacher (Hindi) in respondent No.2-School since August, 2008 and in the Departmental Promotion Committee

(DPC) held on 27th November, 2015, petitioner's case for promotion from Trained Graduate Teacher (Hindi) to the post of Post Graduate

Teacher (Economics) was recommended to respondent No.1, who has declined to approve the promotion granted to petitioner.

2. The challenge in this petition is to impugn order of 3rd April, 2017 (Annexure P-1) vide which petitioner's Representation has been

rejected while relying upon amended Notification of 4th November, 1999, which provides that for the post of Lecturer in other subjects, only Trained

Graduate Teachers (Science A, Science B, Commerce, Agriculture and General) will be considered. Finding that petitioner is ineligible

for promotion to the post of Trained Graduate Teacher (Economics), petitioner's Representation has been rejected vide impugned order of 3rd

April, 2017 (Annexure P-1).

3. Learned counsel for petitioner relies upon a decision of a Coordinate Bench of this Court in *Apinder Kaur Vs. Delhi Administration & Ors.* 92

(2001) DLT 294 to submit that similar notification of 24th February, 1998 was considered and it was directed that petitioner therein be promoted to the

post of Post Graduate Teacher (Economics) although she was Trained Graduate Teacher (Language). Claiming parity with the case of *Apinder Kaur*

(Supra), petitioner seeks setting aside of impugned order and approval to the promotion granted to her in terms of duly constituted DPC.

4. Learned counsel for respondents supports the impugned order and submits that the decision in *Apinder Kaur* (Supra), related to a Minority

Education Institution whereas respondent-School is a Government Aided School and that the Notification of 4th November, 1999 was not under

consideration therein and so, decision in *Apinder Kaur* (Supra) is of no avail. Thus, it is submitted that in view of amended Notification of 4th

November, 1999, petitioner who is from the stream of Hindi, is not eligible for promotion to the post of Post-Graduate Teacher (Economics).

5. Upon hearing and on perusal of impugned order (Annexure P-1), the material on record and the decision cited, I find that since amended

Notification of 4th November, 1999 was not subject matter of consideration in *Apinder Kaur* (Supra), so the said decision is of no assistance to the

case in hand. The amended Notification of 4th November, 1999 clearly provides as under:-

#### AMENDMENT

In the Schedule annexed to the said notifications, the following amendment be made;

Coloumn No.12 : PROMOTION:-

1. XXX

2. For the posts of Lecturer in Hindi, Sanskrit, Punjabi etc. only Trained Graduate Teachers/ Language Teachers in Sanskrit and in

Modern Indian Language concerned will be considered for promotion in their respective subjects. For the post of Lecturer in other subjects

only Trained Graduate Teachers (Science, Science, Commerce, Agriculture and General) will be considered.

6. A bare perusal of aforesaid amended Notification of 4th November, 1999

makes it abundantly clear that Trained Graduate Teacher in Commerce/  
Economics alone would be entitled to promotion as Post Graduate Teacher in  
Economics. Impugned order reproduces the eligibility criteria for  
promotion of Trained Graduate Teacher to the post of Post Graduate Teacher and  
I find that impugned order is in consonance with the eligibility  
criteria spelt therein. Clearly, petitioner is not eligible for promotion to the post of  
Post Graduate Teacher (Economics). Thus, it is held that impugned  
order suffers from no irregularity or infirmity. Hence, this petition is dismissed  
while leaving the parties to bear their own costs.