

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

+ **W.P.(C) No. 3343/2012**

% **30th August , 2013**

SUMEET KAUR

..... Petitioner

Through: Mr. Hanu Bhaskar, Advocate.

versus

DIRECTORATE OF EDUCATION AND ORS Respondents

Through: Mr. J. K. Sharma, Advocate for
respondent No.1.

Mr. Ashok Kashyap, Advocate for
respondent No.2.

Ms. Avnish Ahlawat, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

C.M. No.12145/2013

Application is allowed and the counter affidavit filed by the
respondent No.2 is taken on record.

C.M. stands disposed of.

+ W.P.(C) No.3343/2012

1. This writ petition impugns the appointment of respondent No.3 as TGT (English) in respondent No.2-school. On a query put to counsel for the petitioner, it is admitted that respondent No.3 was appointed as TGT in the respondent No.2-school way back in the year 1999 and regularized by the respondent No.1/Directorate of Education in the year 2001. Therefore, this writ petition filed in the year 2012 is liable to be dismissed on the ground of delay and laches inasmuch as the appointment which is challenged of respondent No.3 was made thirteen years back in the year 1999 and confirmed in the year 2001 i.e eleven years back.

2. I put a query to the counsel for the petitioner that whether the petitioner has made any averment in the writ petition that petitioner was not aware of the appointment of respondent No.3 as TGT in the year 1999 and confirmed in the year 2001. Counsel for the petitioner on detailed examination of the writ petition could not point out any averment made in the writ petition that petitioner did not have knowledge of appointment and regularization of respondent No.3 in the years 1999 and 2001 respectively.

3. In view of the above, after a delay of about 11 years, the writ petition cannot be filed to challenge an appointment and confirmation

thereof. I may note that fight is actually with respect to promotion post of PGT and for which review DPC has to be held in terms of order dated 9.3.2010 passed by the learned Single Judge of this Court in W.P.(C) No.585/2008. Review DPC is still to be conducted. It is only after declaration of result of DPC, it would be known that whether the petitioner or the respondent no.3 is or is not successful in seeking promotion. Therefore, really even qua the issue of promotion there is no cause of action, at this stage, and the writ petition is pre-mature on the aspect of entitlement of promotion of either the petitioner or respondent No.3 or any other successful candidate.

4. Writ petition is therefore dismissed, leaving the parties to bear their own costs.

AUGUST30, 2013
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VALMIKI J. MEHTA, J.