



2026:DHC:3492



\$~5

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

%

Date of Decision: 23.04.2026+ **CONT.CAS(C) 751/2023****KUM POONAM SHARMA**

.....Petitioner

Through: Ms. Deeptakirti Verma, Adv.

versus

SHRI HIMANSHU GUPTA & ANR.

.....Respondents

Through: Mr. Sandeep Jindal, Ms. Akansha Bharti, Advs. for R2 along with Chairman & Principal of the School Mrs. Avnish Ahlawat (SC) along with Mrs. Tania Ahlawat, Mr. Nitesh Kumar Singh, Mr. Mohnish Sehrawat, Advs.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition has been filed by the petitioner alleging wilful disobedience/ non-compliance of the directions contained in the judgment dated 03.02.2023 passed by this Court in W.P.(C) 4881/2013. The said judgment was rendered in the context of the petitioner's grievance that respondent no. 3 therein had been promoted as PGT (History) in preference to the petitioner, despite the said respondent being ineligible on account of having an "average" grading in the ACR, in contrast to the petitioner's better grading.

2. In the said judgment dated 03.02.2023, it was held/ observed by this Court as under:-



2026:DHC:3492



“29. Since the respondent No.3 had been graded as “average” in the ACRs for three years out of the five years under consideration, and admittedly the benchmark for promotion was “good” grading, clearly respondent No.3 was not eligible to be considered for promotion on the date when the vacancy arose or on the date when the DPC was constituted. Therefore, the petitioner who had been graded as “good” in the ACRs for the said five years under consideration, was eligible to be promoted as PGT on the said date.

30. At the same time, the right of respondent No.3 to be communicated the ACRs where he had been graded as “average”, cannot be overlooked. The respondent No.3 was not only entitled to be communicated such ACRs, but was also entitled to file an appeal with the Director of Education, with respect thereto, since the school in question is an aided school, receiving aid to the extent of 95% from the Government of NCT of Delhi.”

3. Despite the aforesaid observation, this Court did not deem it appropriate to interfere with the appointment of the respondent no.3 in W.P.(C) 4881/2013 despite finding that the petitioner herein has a superior right *vis-a-vis* the appointment of the said respondent. The Court ultimately directed as under:-

36. In view of the detailed discussion hereinabove, it is held that if there being no other legal impediment, the petitioner is entitled to be promoted to the post of PGT (History), with effect from the date when respondent No.3 was promoted on the said post, with all consequential benefits.

37. However, it is clarified that this Court has not interfered with the promotion that was granted to respondent No.3 by the DPC held on 23.12.2011, in the peculiar facts and circumstances of the present case.

4. *Vide* the previous order dated 02.04.2026 passed in the present proceedings, it was directed as under:-



2026:DHC:3492



1. This application seeks to bring on record the judgment of the Supreme Court dated 10.02.2026 passed in Civil Appeal Nos. 2424-2425/2026 (arising out of SLP(C) Nos.10230-10231/2025) titled as *Directorate of Education vs. Poonam Sharma & Ors.*

2. By way of the said judgment dated 10.02.2026, the Supreme Court has affirmed the judgment dated 08.07.2024 passed by the Division Bench of this Court, whereby LPA No. 767/2023, assailing the judgment dated 03.02.2023 passed in W.P (C) 4881/2013 (of which contempt is alleged in the present proceedings), was dismissed as barred by limitation.

3. The Supreme Court has further directed that necessary compliance be done by the respondents within a period of eight weeks from the date of the

said judgment / order dated 10.02.2026.

4. Needless to say, the respondents are expected to comply with the said order of the Supreme Court within the time granted thereby.

5. Taking on record the aforesaid judgment passed by the Supreme Court and with the aforesaid observations, the present application stands disposed of.

6. It is made clear that failure on the part of the respondent/s to timely comply with the aforesaid directions shall be construed as wilful disobedience of orders passed by this Court, entailing action under the Contempt of Courts Act, 1971 against the concerned official/s.

CONT.CAS(C) 751/2023

7. List on 23.04.2026.

8. Let the respondents remain present in Court on the next date of hearing.

9. The date already fixed i.e. 27.08.2026 stands cancelled.

5. Today, it is informed that pursuant to the aforesaid order, meeting of the Departmental Promotion Committee (“DPC”) was convened on 20.04.2026 and again on 22.04.2026. The sum and substance of the decision taken by the DPC is that there was a difficulty in promoting the petitioner on account of non-availability of the post, considering that the said post has currently been occupied by the respondent no.3 (as in W.P.(C) 4881/2013).

6. Concededly, this very ground was urged by the respondent no.1 in the



2026:DHC:3492



SLP filed before the Supreme Court. However, as noticed in the order dated 02.04.2026 passed in the present proceedings, the said SLP came to be dismissed even otherwise.

7. A holistic reading of the judgment dated 03.02.2023 (of which contempt is alleged in the present proceedings) makes it clear that the petitioner cannot be denied promotion to the said post [i.e. PGT (History)] considering the inherent injustice which has been caused by providing the said post to the respondent no.3 (in the said writ petition i.e. in W.P.(C) 4881/2013) in view of the adverse observation as regards the ineligibility of the said respondent no.3. As such, the denial of promotion to the petitioner is not in consonance with the judgment dated 03.02.2023.

8. In any event, the alleged non-availability of vacancy is not a legal impediment so as to justify not giving the relief to the petitioner in derogation of the directions contained in Paragraphs 36 and 37 of the said judgment dated 03.02.2023.

9. As such, denial of promotion to the petitioner tantamounts to the wilful disobedience/ non-compliance of the directions contained in the judgment dated 03.02.2023.

10. At this stage, learned counsel for respondent no. 2 submits that, in the event the aided school branch of the Department of Education sanctions an additional post in the grade of PGT (History), a fresh DPC shall thereafter be convened in compliance with the directions contained in the judgment dated 03.02.2023, to consider the petitioner's case for promotion to the said post.

11. Let immediate action be taken by respondent no. 1 in the aforesaid terms, taking into consideration the statement of respondent no. 2 that,



2026:DHC:3492



subject to the above, it has no objection whatsoever to the petitioner's promotion. Let the necessary promotion to which the petitioner is entitled, be granted accordingly.

12. Let the aforesaid exercise be completed within a period of four weeks from today.

13. The petition is disposed of in the above terms.

14. List for reporting compliance on 29.05.2026.

15. In case the aforesaid directions remain uncomplied, the same shall be construed as breach on the part of the respondent no.1/ Directorate of Education with the orders passed by this Court entailing action under section 12 of the Contempt of Courts Act, 1971.

16. The Chairman and the Principal of the concerned School/ respondent no.2 shall remain personally present in Court on the next date of hearing.

17. Needless to say, the petitioner shall be entitled to revive present petition if the above directions are not complied with.

SACHIN DATTA, J

APRIL 23, 2026/uk