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

Date of Decision: 27th February, 2026

+ W.P.(C) 16751/2024, CM APPL. 70916/2024 & CM APPL.
13157/2026

JOLLY BATOO

.....Petitioner

Through:

versus

GOVERNMENT OF NCT OF DELHI AND OTHERS

.....Respondents

Through: Mr. Santosh Kumar Tripathi, Sr.
Advocate with Mr. Siddharth Krishna
Dwivedi, Mr. Rishabh Srivastava and
Ms. Ayushi, Advocates for R-4 and
R-5.
Mr. Arun Panwar, Advocate for R-6
to R-9.
Ms. Latika Choudhary, Advocate for
R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The petition concerns seniority in the Post Graduate Teacher grade in Lady Irwin Senior Secondary School, a recognised aided School governed by the Delhi School Education Act and the Delhi School Education Rules, 1973. The Petitioner, a direct recruit PGT (Commerce), questions the validity of the seniority list finalised on 22nd March, 2022 and seeks restoration of the seniority position reflected in a list prepared on 9th



October, 2020. The challenge is not academic. The Petitioner assails the consequential use of the 2022 seniority list for convening the Departmental Promotion Committee on 28th November, 2024 for promotion of Respondent No. 7 (Ms. Sharda Verma) to the post of Vice Principal, and seeks to prevent effect being given to the recommendation made therein.

Facts

2. The School issued an advertisement in March 2008 inviting applications for various posts, including PGT (Commerce). The Petitioner applied and appeared in the selection process. The record shows that she was interviewed on 12th June, 2008. The School issued her an appointment letter on 30th July, 2008. The terms required fulfilment of pre-joining formalities including verification and certificates, and stated that the appointment would be subject to approval of the Directorate of Education after joining. She joined as PGT (Commerce) on 13th August, 2008.

3. Respondent No. 7 entered the School much earlier as TGT on 17th February, 1988. A duly constituted Departmental Promotion Committee met on 14th July, 2008 and recommended her promotion to PGT (Maths). The School issued an office order recording promotion to the post of PGT (Maths) with effect from 14th July, 2008.

4. The Petitioner's case proceeds on the footing that seniority in the PGT grade ought to follow the "date of selection" and, within the same date, the interview session time. On that basis, she places principal reliance on a seniority list prepared in October 2020 which placed her at serial No. 4 and showed her as senior to Respondent No. 7 and certain other incumbents. The Petitioner asserts that restoration of her position in the said 2020 list would entitle her to consideration for further promotion. The said list recites that it



was prepared in pursuance of Rule 109 of the 1973 Rules and contains columns for “date of selection”, “SSC/DPC time (AM/PM)” and “marks obtained”.

Seniority list

5. The School and the contesting private Respondents dispute the 2020 list as an authorised determination of seniority. Their consistent case is that seniority lists from 2008 to 2019 always placed Respondent No. 7 above the Petitioner and that the Petitioner never objected for over a decade. They characterise the October 2020 list as an unauthorised aberration prepared without approval and without minutes, signed under protest, and followed by objections and representations. The list is extracted below:

SENIORITY LIST OF .ALL PGTS AS ON OCTOBER 2020

In pursuance of the provisions contained under Rule 109 of DSEAR 1973, the Seniority in respect of the following employees is decided and determined as follows: *

Sl. No.	Names of the Employee	Designation	Subjects in Graduation	Class X (Hindi) Yes/No	Qualifications	Present Pay Matrix Level	DOB	Marks obtained as per SSC	Date of Joining in the school as	Date of Selection in the present post	Date of SSC/DPC	SSC/DPC Time (AM/PM)	Date of Retirement (DOR)	After joining upgrade qualification if any
1	Mrs. G. Rama Kirpal	Vice Principal	English, Hindi, Pol. Sc., Eco., History		MA, Pol. Sc., M.Ed.	11	20.03.1961		18.02.1987 as PGT	13.10.2015 as Vice Principal			31.03.2021	NIL
2	Mrs. Jyoti Singh	PGT, Physics	English, Hindi, Physics, Chemistry, Maths	Yes	M.Sc. Physics, B.Ed.	9	16.07.1973		01.07.2003 as PGT	01.07.2003 as PGT			31.07.2033	NIL
3	Mrs. Bibha	PGT, History			MA, History, B.Ed.	8	14.01.1975		01.08.2003 as PGT	01.08.2003 as PGT			31.08.2035	NIL
4	Ms. Jolly Badoo	PGT Commerce	English, Accounts, B Studies, Statistics	Yes	M.Com, B.Ed.	8	03.11.1982	53.9/100	13.08.2008 as PGT	12.06.2008 as PGT	12.06.2008	9.30	30.11.2042	NIL
5	Ms. Abida Begam	PGT Commerce	English, Accounts, B Studies, Statistics	Yes	M.Com, B.Ed.	8	10.11.1980	45.1/100	12.08.2008 as PGT	12.06.2008 as PGT	12.06.2008	9.30	30.11.2040	NIL
6	Ms. Nupur Bhalla	PGT Commerce	English, Accounts, B Studies, Economics	Yes	M.Com, B.Ed. & MA Eng	8	03.10.1989	44.7/100	14.08.2008 as PGT	12.06.2008 as PGT	12.06.2008	9.30	31.10.2041	MA English 2008
7	Ms. Kshama Jain	PGT Economics	English, Hindi, Economics, Maths	Yes	MA ECO B.Ed.	8	18.12.1980	54.7/100	13.08.2008 as PGT	12.06.2008 as PGT	12.06.2008	1.30	31.12.2040	NIL
8	Ms. Suman	PGT F. Arts	Painting, Theory History of Art, Commercial Art		MA (Pg) Fine Ar., 3 Yrs Dip. D.Dg.	8	14.04.1977	48.9/100	14.08.2008 as PGT	24.06.2008 as PGT	24.06.2008	1.30	30.04.2037	NIL



Sl. No	Names of the Employee	Designation	Subjects in Graduation	Class X (Hindi) Yes/No	Qualification	Present Pay Matrix Level	DOB	Marks obtained as per SSC	Date of Joining in the school as	Date of Selection in the present post	Date of SSC/DPC	SSC/DPC Time (AM/PM)	Date of Retirement (DOR)	After Joining addl. qualification if any
9	Ms. Sonu Sehrawat	PGT Home. Sc.	Home Science and allied subjects	Yes	M.A Edu., M. Phil, Edu. Phd, MSc Home Science, B.Ed	8	13.06.1974	77.4/100	18.08.2008 as PGT	09.07.2008 as PGT	09.07.2008	10.00	30.06.2034	NIL
10	Mrs. Sharda Verma	PGT Maths	English, Physics, Chemistry, Maths	No	M.A. MATHS, M.Sc.(PHYSICS), B.Ed	8	27.03.1966		25.02.1988 as TGT	14.07.2008 as PGT	14.07.2008	DPC	31.03.2026	MA Maths 1991, MSc Physics 2004
11	Mrs. Monica Verma	PGT Physical Edu.	Physical Education & Allied Subjects	Yes	M. Phil, M.P. Ed.	8	18.07.1977		07.10.2003 as TGT (PET)	06.05.2011 as PGT			31.07.2037	NIL
12	Ms. Manu Rastogi	PGT Math	Physics, Chemistry, Maths	Yes	MA Maths, B.Ed	8	15.08.1977	53.4/100	13.08.2008 as TGT	01.04.2015 as PGT	25.06.2008	3.00	31.08.2037	NIL
13	Ms. Rachna Sharma	PGT Sanskrit	Sanskrit (Hons), English, Hindi, Pol. Sc.	Yes	MA Sanskrit, B.Ed	8	30.10.1981	58.4/100	13.08.2008 as TGT	01.04.2015 as PGT	08.07.2008	1.30	31.10.2041	NIL
14	Mrs. Sunita Sharma	PGT, English	English, Hindi, Sanskrit, Economics	Yes	MA Hindi, B.Ed.	8	07.05.1964		15.02.1988 as Asstt. Tr.	21.12.2017 as PGT			31.05.2024	MA English 2012
15	Ms. Madhuri Sharma	PGT Hindi	Hindi (Hons), Pol. Sc., English	Yes	MA Hindi, B.Ed.	8	09.11.1982	54.2/100	14.08.2008 as TGT	21.12.2017 as PGT	14.06.2008	2.30	30.11.2042	NIL
16	Ms. Nisha Parmar	PGT English	English, Hindi, Sanskrit	Yes	M.A English, B.Ed	7	04.02.1982	48.7/100	18.08.2008 as TGT	06.10.2018 as PGT	13.06.2008	10.00	28.02.2042	NIL

Sl. No	Names of the Employee	Designation	Subjects in Graduation	Class X (Hindi) Yes/No	Qualification	Present Pay Matrix Level	DOB	Marks obtained as per SSC	Date of Joining in the school as	Date of Selection in the present post	Date of SSC/DPC	SSC/DPC Time (AM/PM)	Date of Retirement (DOR)	After Joining addl. qualification if any
17	Ms. Monika	PGT English	English	Yes	M.A English, B.Ed	7	02.05.1983	50.90/100	19.02.2010 as TGT	08.10.2018 as PGT	24.11.2009	10.00	31.05.2043	NIL
18	Ms. Saman Afshan	PGT Economics	BA (Hons.) Economics	Yes	MA ECO B.Ed	8	02.07.1993	62.8/100	16.01.2019 as PGT	03.12.2018 as PGT	03.12.2018	9.30	31.07.2053	
19	Ms. Heena Chaudhary	PGT Political Sc.	BA (Hons.) Political Science	Yes	MA Political Sc. B.Ed.	8	15.12.1989	54.5/100	16.01.2019 as PGT	03.12.2018 as PGT	03.12.2018	9.30	31.12.2049	
20	Ms. Antara Chakraborty	PGT Music	BA (Hons.) Music	No	MA Music, B.Ed	8	28.04.1983	62.2/100	16.01.2019 as PGT	03.12.2018 as PGT	03.12.2018	2.30	30.04.2043	
21	Ms. Menka Singh	PGT Geography	BA (Hons.) Geography	Yes	MA Geography, B.Ed	8	28.07.1987	62.1/100	17.01.2019 as PGT	03.12.2018 as PGT	03.12.2018	2.30	31.07.2047	
22	Ms. Reetika Nagar	PGT Computer Sc.	B.Tech. Information Technology	Yes	M.Tech	8	07.04.1990	72.6/100	16.01.2019 as PGT	15.12.2018 as PGT	15.12.2018	10.00	30.04.2050	
23	Ms. Chetna Singh	PGT Chemistry	B.Sc. Physics, Chemistry, Maths	Yes	M.Sc. Chemistry, B.Ed	8	12.09.1988	65.1/100	16.01.2019 as PGT	15.12.2018 as PGT	15.12.2018	10.00	30.09.2048	
24	Ms. Madhu	PGT Political Sc.	BA (Hons.) Pol.Sc	Yes	MA Pol.Sc B.Ed.	8	15.08.1968		30.12.2019 as PGT (Surplus Adjusted)				31.08.2028	

6. The record further indicates that the issue of inter se seniority was



taken up with the Directorate of Education, which clarified that in recognised aided Schools the Managing Committee is the competent authority in matters of appointment and that seniority is governed by Rule 109 of the 1973 Rules. Thereafter, the Managing Committee convened a meeting on 5th March, 2022 and approved the seniority list dated March 2022, which forms the basis of the Respondents' position. Relevant part of the list is extracted below:

Sl. No.	Name Of The Employee	Designation	Subjects In Graduation	Class X (Hindi) Yes/No	Qualification	Present Pay Matrix Level	DOB	Marks Obtained As Per Ssc	Date Of Joining In The School As	Dated Apptt In The School To The Present Post	Date Of Retirement (Dor)	After Joining Add Up Qualification If Any.
1	Mrs. Jyoti Singh	PGT Physics	English, Hindi, Physics, Chemistry, Maths	Yes	M.Sc. Physics B.Ed.	9	16.07.1973		01.07.2003 as PGT	07.08.2021	31.07.2033	NIL
2	Mrs. Bibha	PGT History			MA History, B.Ed.	8	14.01.1975		01.08.2003 as PGT	01.08.2003	31.08.2035	NIL
3	Mrs. Sharda Verma	PGT Maths	English, Physics, Chemistry, Maths	No	B.Sc. B.Ed.	8	27.03.1966		25.02.1988 as TGT	14.07.2008	31.03.2026	MA Maths 1991, M.Sc Physics 2004
4	Dr.(Ms.) Sonu Sehrawat	PGT Home Sc.	Home Science and Allied Subjects	Yes	MA (Edu), M.Phil(Edu), Phd, MSc Home Sc, NET, B.Ed.	8	13.06.1974	77.4/100	18.08.2008 as PGT	18.03.2008	30.06.2034	NIL
5	Ms. Kshama Jain	PGT Economics	English, Hindi, Economics, Maths	Yes	MA Eco, B.Ed.	8	18.12.1980	54.7/100	13.08.2008 as PGT	13.03.2008	31.12.2040	NIL
6	Ms. Jolly Batoo	PGT Commerce	English, Accounts, B. Studies, Statistics	Yes	M.Com. B.Ed.	8	03.11.1982	53.9/100	13.08.2008 as PGT	13.03.2008	30.11.2042	NIL

7. Promotions in the institution thereafter proceeded on the basis of the seniority position defended by the Respondents. Respondent No. 6, Ms. Jyoti Singh, who joined as PGT (Physics) on 1st July, 2003, was promoted as Vice Principal/HOS in 2021 and later as Principal in 2023. The post of Vice Principal then fell vacant.

8. The Directorate of Education granted approval on 20th July, 2024 for



holding the DPC for Vice Principal. A DPC met on 28th November, 2024 and recommended Respondent No. 7 for promotion, recording that she was the senior-most eligible PGT in the zone of consideration and met the benchmark. Aggrieved thereby, the Petitioner instituted the present writ petition. By order dated 4th December, 2024, this Court directed that effect shall not be given to the recommendation of the DPC pending further orders.

Petitioner's case

9. The Petitioner's case is founded as a challenge to an assertedly arbitrary displacement in seniority, coupled with a grievance that the altered seniority has been used to fast-track promotional action to her detriment. The submissions, as urged, are set out in the following sequence:

9.1. The recruitment initiated through advertisements dated 26th and 29th March, 2008 pertained to vacancies of the recruitment year 2007-08. The Petitioner was interviewed on 12th June, 2008 (forenoon) for the post of PGT (Commerce) and was selected thereunder. It is her case that Respondent No. 7 was promoted to PGT only in the recruitment year 2008-09 and, therefore, cannot be placed senior to her.

9.2. The Petitioner submits that seniority in the PGT grade is governed by Rule 109 of the Delhi School Education Rules, 1973 and must ordinarily follow the date of selection. On this basis, she relies principally on the seniority list dated 9th October, 2020, which placed her at serial No. 4 above Respondents nos. 7 to 9 and expressly reflected the "date of selection" in the relevant column.

9.3. The later date of joining cannot operate to the Petitioner's disadvantage, as any interval between selection, issuance of appointment letter and joining was administrative and beyond her control. According to



her, seniority must mirror the selection event within the recruitment cycle rather than the mechanics of appointment or joining.

9.4. The Petitioner's immediate grievance is directed against the seniority list dated 14th March, 2022, by which she has been placed at serial No. 6 below Respondents No. 7 to 9. This is not a clerical correction but a substantive reordering affecting her promotional prospects and status in the cadre.

9.5. The seniority list dated 9th October, 2020 was not an *ad hoc* document but a conscious exercise undertaken after she pointed out defects in earlier arrangements. The said list was prepared in conformity with Rule 109(ii), by reflecting the date of selection, and therefore constituted the correct determination of inter se seniority.

9.6. The Petitioner further submits that once the 2020 seniority position was drawn and acted upon, the School could not revise it unilaterally. Any alteration in seniority, required prior notice, disclosure of reasons, invitation of objections and a reasoned determination. No such procedure preceded the issuance of the list dated 14th March, 2022, rendering the exercise violative of principles of natural justice.

9.7. She also relies on the endorsement "refused" appearing against her name in the 2022 list to suggest procedural unfairness in the manner in which the revision was carried out.

9.8. The Petitioner relies on Rule 109(ii) and (iii) of the Delhi School Education Rules, 1973 to contend that inter se seniority between direct recruits and promotees must follow the statutory rota. On this basis, a promotee such as Respondent No. 7 (2008-09) cannot rank above direct recruits selected against the earlier recruitment cycle of 2007-08.



9.9. Even on a straightforward application of Rule 109(ii), Petitioner ranks senior because her selection on 12th June, 2008 preceded the DPC recommendation dated 14th July, 2008 in favour of Respondent No. 7. The Petitioner further points out that the seniority list dated 9th October, 2020 reflected the relative timing of selection through the “SSC/DPC time” column and submits that, having itself adopted such a methodology within the same recruitment exercise, the School cannot now depart from it to her prejudice.

9.10. In support, the Petitioner invokes the principles noted in *UOI & Ors. v. N.R. Parmar & Ors.*¹ to contend that direct recruits are entitled to placement with reference to the recruitment cycle rather than the date of joining. While acknowledging the subsequent decision in *K. Meghachandra Singh & Ors. v. Ningam Siro & Ors.*,² it is submitted that the issue continues to engage consideration in view of the reference noted in *Hariharan & Ors. v. Harsh Vardhan Singh Rao & Ors.*,³ and that the Respondents cannot treat the earlier position as wholly irrelevant.

9.11. The Petitioner emphasises that the seniority list dated 9th October, 2020 was in fact acted upon in the promotion exercise of 2021 in which Respondent No. 6 was elevated as Vice Principal and the Petitioner herself fell within the zone of consideration. Having proceeded on that basis, the School, on her submission, is estopped from subsequently discarding the same seniority position to her detriment.

9.12. The subsequent convening of the DPC on 28th November, 2024 for promotion of Respondent No. 7, despite pending objections to the revised

¹ (2012) 13 SCC 340.

² (2020) 5 SCC 689.



seniority, reflects a hurried exercise designed to give irreversible effect to the impugned reordering, thereby warranting judicial interference.

Respondents' case

10. The School and Respondents No. 6 and 7 oppose the petition, contenting that:

10.1. The seniority list dated 9th October, 2020 was never a valid or final determination, as it lacked approval of the competent authority/Managing Committee, was unsupported by minutes, carried an express disclaimer, and was signed under protest with representations pending.

10.2. The seniority lists issued consistently from 2008 to 2019 uniformly placed Respondent No. 7 above the Petitioner, and the Petitioner accepted that position without demur for over a decade.

10.3. Rule 109 does not permit fixation of seniority based on the timing of interview or similar administrative markers, and the Petitioner cannot claim precedence merely because her interview preceded others.

10.4. Respondent No. 7 entered the PGT cadre through a duly convened DPC on 14th July, 2008 and assumed charge on 15th July, 2008, whereas the Petitioner was appointed only thereafter and joined on 13th August, 2008; accordingly, the Petitioner cannot claim seniority from a date when she was not borne in the cadre, consistent with the principles explained in ***K. Meghachandra Singh*** and applied by this Court in ***Jagmohan Vishwakarma & Ors. v. UOI & Ors.***⁴

10.5. The seniority list dated 14th March, 2022 was finalised by the Managing Committee, the competent authority under Rule 109, after inputs

³ (2022) SCC OnLine SC 1717.

⁴ 2023: DHC : 5285-DB.



from the Directorate of Education, has since governed service matters in the School, and the DPC held on 29th November, 2024 pursuant to Directorate approval was therefore lawful and not liable to interference.

Points for determination

11. The petition calls for decision on the following questions:
- (i) What is the correct method for determining seniority in the PGT grade in a recognised aided School under Rule 109 of the 1973 Rules.
 - (ii) Whether the Petitioner can claim seniority on the basis of “date of selection” and interview session time, and whether the October 2020 list confers a legal advantage upon her.
 - (iii) Whether the impugned March, 2022 seniority list suffers from illegality or breach of natural justice.
 - (iv) Whether any interference is warranted with the DPC held on 28th November, 2024.

The governing rule

12. Rule 109 of the Delhi School Education Rules, 1973 reads as under:

“109. Seniority

(i) There shall be a seniority roster for each grade and the names of the employees appointed to posts in each grade shall be arranged in the roster in accordance with this rule.

(ii) Seniority of employees shall be determined by the order of merit in which they were selected for appointment to the concerned post, those selected on an earlier occasion being ranked senior to those selected later:

Provided that in a case where a joint seniority roster of employees of each grade common to all schools used to be maintained by the society or trust running such schools prior to the commencement of these rules, inter se seniority of all employees of such schools shall continue to be maintained jointly.

(iii) Inter se seniority between direct recruits and promotees shall be determined according to the rotation of vacancies between direct recruits



and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules.

(iv) Inter se seniority of employees of any grade shall be determined by the Managing Committee in accordance with the rules applicable to the employees of corresponding posts appointed in the Government schools: Provided that in a case where a joint seniority roster of employees of each grade common to all schools used to be maintained by the society or trust running such schools prior to the commencement of these rules, such inter se seniority shall be determined by such society or trust.

Explanation.—*In this rule, the word “grade” means a post or a group of posts created for work of the same nature in a school:*

Provided that where posts are created for work of the same nature in different schools run by the same society or trust, all such posts shall be deemed to be in a single grade, if they were treated as such by the society or trust prior to the commencement of these rules.”

13. A plain reading of Rule 109 shows that seniority in each grade is primarily merit-based within the same selection cycle, with earlier selectees ranking above later ones. Where appointments are drawn from both direct recruitment and promotion, inter se seniority is regulated through the rota-quota mechanism prescribed in the recruitment rules. The Rule also vests the Managing Committee with the authority to finalise the seniority list in conformity with the framework applicable to corresponding posts in Government schools.

Analysis and findings

The Petitioner’s core premise on “interview time” has no footing in Rule 109

14. The Petitioner’s case, in substance, asks the Court to treat the forenoon interview as conferring seniority over those interviewed later. Rule 109 does not support such a test. Rule 109(ii) uses “order of merit” of



selection as the determinant for those selected on the same occasion. The rule does not recognise interview session timing as a proxy for merit, and the Court cannot create that proxy by judicial craft.

15. The October 2020 list itself shows why the Petitioner's premise is unstable. It mixes multiple columns such as "marks obtained", "date of joining", "date of selection", and "SSC/DPC time". That internal format does not change what Rule 109 requires. Where the statute insists on merit and an authorised seniority roster, an internal spreadsheet style listing cannot elevate "time of interview" into a legal criterion.

Seniority list

16. The Petitioner cannot build a right on the October 2020 list. Even on facts, the October 2020 list cannot be treated as a settled seniority position that the Court must restore. First, the School and the contesting Respondents have placed a consistent narrative, supported by record references, that seniority lists from 2008 to 2019 always placed Respondent No. 7 above the Petitioner, and that the Petitioner accepted those lists for years. The petition is conspicuously thin on any contemporaneous objection raised by the Petitioner in that long interval. A challenge raised only when a promotional vacancy is about to arise lacks credibility, especially in seniority disputes, where stability and predictability are essential institutional requirements.

17. Second, the Respondents' challenge to the 2020 list is not a mere assertion. They plead that it was prepared without approval, without minutes, and was signed under protest with objections pending. Respondent No. 6 also points out that the list carried a note that errors, if any, were subject to correction. A document carrying an express caveat and produced without the explicit institutional approval, such as minutes of meeting and



resolution of objections, cannot be treated as the final word on seniority.

18. Third, the Directorate of Education's involvement in early 2021, and its clarification that the Managing Committee is empowered under Rule 109 to finalise seniority, explains why the School then proceeded to finalise the seniority list through a Managing Committee meeting on 5th March, 2022. Once the statutory authority under the rules has acted through the body empowered to act, the Court will not treat an earlier contested compilation as the decisive seniority determination.

“Vacancy year” and N.R. Parmar do not advance the Petitioner’s case

19. The Petitioner's attempt to locate her seniority in the “vacancy year 2007-08” is not supported by the statutory scheme placed before the Court. Rule 109 does not confer seniority merely because recruitment was initiated earlier or because an interview took place earlier. The rule speaks in terms of selection on an occasion, merit, and rota-quota rotation of vacancies based on the recruitment rules.

20. The Petitioner's reliance on *N.R. Parmar* is also misplaced. The Supreme Court in *K. Meghachandra Singh* overruled *N.R. Parmar* and reaffirmed the long-settled position that seniority cannot be claimed from a date when the incumbent was not borne in the cadre. This Court in *Jagmohan Vishwakarma* reiterated that, under the applicable service framework, seniority of direct recruits is ordinarily reckoned from the date of appointment, and that a person responding to an advertisement does not acquire service rights in anticipation of appointment.

21. The Petitioner also invokes later developments and the reference to a larger Bench. That does not carry her across the essential factual threshold in this case. Her seniority was not “already fixed on the basis of *N.R. Parmar*”



in any legally finalised manner. Her real claim is to create a seniority advantage on the basis of a recruitment cycle and interview timing, even though she joined the cadre later. The law, as consistently applied, does not support seniority being manufactured from dates on which the employee was not yet in service.

Direct recruit versus promotee

22. The Petitioner's contest with Respondent No. 7 is framed as "direct recruit versus promotee". Rule 109(iii) does provide for rotation of vacancies based on the quota in recruitment rules. The Court, however, cannot apply rota-quota in the abstract. The party seeking to displace an existing seniority position must place the relevant recruitment rules, the quota, the seniority roster for the grade, and the vacancy mapping that demonstrates a statutory breach.

23. The Petitioner has not done so. The petition proceeds on broad submission that promotees of 2008-09 cannot rank above direct recruits of 2007-08. That is a conclusion presented without the roster logic that Rule 109(iii) requires.

24. In contrast, the Respondents have placed contemporaneous material showing Respondent No. 7's promotion to the PGT grade by a DPC held on 14th July, 2008 and an office order recording promotion with effect from that date. The Petitioner's appointment letter was issued later, and her joining as PGT (Commerce) is recorded as 13th August, 2008. On these facts, the Petitioner's invitation to rank a later entrant above a person already in the grade runs into the principle repeatedly affirmed by the Supreme Court and by this Court: seniority cannot be claimed from a date when the employee was not borne in service.



25. It is also important to keep the factual setting in view. The promotee's entry into the grade and the direct recruit's entry into the grade did not occur in a vacuum. The seniority position defended by the Respondents is shown to have existed across multiple seniority lists over many years, and promotions have already been made on its basis, including the promotions of Respondent No. 6 in 2021 and 2023. The Petitioner's plea that the School is estopped from revisiting the October 2020 list merely because it was relied upon in an earlier promotion exercise cannot be accepted, once the said list itself is shown not to be a duly finalised seniority determination under Rule 109. A writ court does not unsettle such a long-settled seniority position, with its ripple effects on third-party rights, unless the Petitioner demonstrates a clear statutory breach. That threshold is not met.

Natural justice

26. The Petitioner insists that the 2022 list was prepared without notice. The record, however, does not support the picture of a stealth revision. The Respondents' case is that the 2020 list itself triggered objections and representations and was signed under protest. The Directorate of Education then clarified the governing position and empowered finalisation by the Managing Committee. The 2022 list was approved by the Managing Committee in a meeting held on 5th March, 2022. The Petitioner's own conduct, as narrated by the Respondents, indicates that she refused to sign the 2022 list and pursued representations thereafter. That conduct is inconsistent with the suggestion that she had no opportunity to object.

27. Natural justice does not mean that a mistaken seniority position must be perpetuated indefinitely. It means the employee must have a fair chance to object and have objections considered by the competent authority. On the



present record, the Petitioner has not established that the Managing Committee finalised the 2022 seniority list in a manner that was procedurally unfair or legally forbidden.

The DPC dated 28th November, 2024

28. The Petitioner also seeks to derail the DPC recommendation. The DPC of 28th November, 2024 was held after approval from the Directorate of Education and proceeded on the seniority list approved by the Managing Committee. The minutes record that Respondent No. 7 was the senior-most eligible PGT in the zone of consideration and met the benchmark. A DPC decision structured, and supported by the governing seniority list, does not warrant interference merely because the Petitioner disputes her placement in the seniority list.

29. The Petitioner's case against the DPC is therefore derivative. Once the challenge to the 2022 seniority list fails, the challenge to the DPC recommendation has no independent legs.

Conclusion

30. The petition rests on two propositions: that interview session timing can fix seniority, and that the October 2020 list must be treated as determinative notwithstanding its contested status and the long-standing seniority position reflected in earlier lists. Rule 109 does not support the first proposition. The record does not support the second one. The Petitioner has not demonstrated a specific breach of rota-quota rotation under Rule 109(iii) by placing the recruitment rules, quota and roster mapping that would justify judicial displacement of the seniority position that has existed for years and has already been acted upon for promotions.

31. The writ petition is accordingly dismissed. The interim order dated 4th



December, 2024, by which effect was not to be given to the recommendation of the DPC held on 28th November, 2024, stands vacated. The Respondents shall be at liberty to proceed in accordance with law on the basis of the DPC recommendation.

SANJEEV NARULA, J

FEBRUARY 27, 2026/hc