

**Central Administrative Tribunal
Principal Bench**

OA No.2635/2019

New Delhi, this the 04th day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Raj Kumar Anand, Age: 50 year, Group 'B',
S/o. Late Sh. R. L. Anand,
R/o 8/399, Sector-III, Rajinder Nagar,
Sahibabad, District: Ghaziabad (U.P.)
Working as Trained Graduate Teacher,
(Social Science), Govt. Boys Senior Secondary
School, Mandoli, Delhi – 110093.

... Applicant

(Applicant is present)

Vs.

1. Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat, I.P. Estate,
New Delhi – 110002.

2. Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Sectt., Delhi – 110054.

... Respondent

(By Advocate : Ms. Esha Mazumdar)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The applicant is working as Trained Graduate Teacher (TGT) in the Directorate of Education, Govt. of

NCT of Delhi. For the post of Vice Principal, appointment used to be exclusively by way of promotion, from the post of Post Graduate Teacher (PGT). Through notification dated 09.10.2018, the Directorate of Education amended the recruitment rules providing, *inter alia*, for promotion to the post of Vice Principal to the extent of 50 % and remaining 50 %, by direct recruitment. The applicant filed this OA, challenging the said notification.

2. The applicant contends that on account of the impugned notification the chances of his promotion to the post of Vice Principal have become bleak and the same is impermissible in law. He contends that the service conditions which were existing when he joined the service, cannot be altered to his detriment.

3. We heard the applicant in person and Ms. Esha Mazumdar, learned counsel for the respondents, who took notice at the stage of admission.

4. As of now, the applicant is only a TGT. The feeder category for the post of Vice Principal is PGT. Before

amendment of the Recruitment Rules, appointment to the post of Vice Principal used to be exclusively by way of promotion. Obviously with a view to attract persons with wide experience in administration or otherwise, the respondents made a provision for appointment to the post of Vice Principal by way of direct recruitment, to the extent of 50 %.

5. The applicant cannot be said to have suffered any detriment on account of that. It is always the prerogative of the Government to restructure the various departments, depending on the past experience and keeping in view the future developments. As of now, the applicant is not in the feeder category. Added to that, it is not a case where the promotional avenues is totally taken away. It is fairly well settled that an employee has a right to be considered for promotion but not the right to be promoted. The right of the applicant to be considered for promotion to the post of Vice Principal would depend upon (a) his becoming a PGT (b) his being in the zone of consideration and (C) his records being otherwise perfect.

6. In these circumstances, we do not find any basis to entertain the OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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