

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-493/2020

MA No-618/2020

MA No-617/2020

With

OA No-527/2020

MA No-650/2020

And

OA No-3017/2019

MA No-3335/2019



New Delhi, this the 20th day of February, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. A.K. Bishnoi, Member (A)

OA No. 493/2020

1. Geeta Garg
Aged about 44 years
D/o Sh. Sompal
R/o C-78, DDA LIG Flats, East of Loni Road
Shahdara, Delhi-110093
Mob No. 9868208223
Post: TGT Special Education Teacher
Post Code: 93/20, Group-B.
2. Preeti Dagar
Aged about 42 years
D/o Sh. Bansi Lal Dagar
R/o A-280, DDA Flats, Bindapur
Uttam Nagar, New Delhi-110059
Mob No. 9560198901
Post: TGT Special Education Teacher
Post Code: 93/20, Group-B. ... Applicants

(through Sh. Anuj Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB)
Through its Chairman
Govt. of NCT of Delhi
FC-18, Institutional Area, Karkardooma, Delhi-110092.
2. The Director of Education
Directorate of Education
Govt. of NCT of Delhi, Old Secretariat Building
Civil Lines, Delhi-110054. ... Respondents

(through Ms. Esha Mazumdar)



OA No. 527/2020

Shashi Bala
Aged about 44 years
D/o Sh. Ram Parkash
R/o House No. 291, Sector-55
Faridabad, Ballabgarh
Mob No. 9810292291, 9810123584
Post: TGT Special Education Teacher
Post Code: 93/20, Group-B. ... Applicant

(through Sh. Anuj Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB)
Through its Chairman
Govt. of NCT of Delhi
FC-18, Institutional Area
Karkardooma, Delhi-110092.
2. The Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat Building
Civil Lines, Delhi-110054. ... Respondents

(through Ms. Esha Mazumdar)

OA No-3017/2019



1. Shikha, aged 39 Y 5 M, Group B
DOB 13-05-1980
For Post Assistant Teacher (Nursery)
Post Code 16/19, SC
D/o Sewa Ram
R/o H.No. E-19'28, Sector-3, Rohini
Raj Apur Kalan, North West Delhi
New Delhi-110085.
2. Seema Sharma aged 36 Y 11M 2 days, Group B
DOB 02.10.1983
For Post Assistant Teacher (Nursery)
Post Code 16/19, SC
W/o Sandeep Kumar
D/o Kailash Sharma
R/o H. No. 170A, Roshal Garden CAT UR
Near Power House
Najafgarh, South West Delhi, N Delhi-110043
Mob. 9911287600.
3. Manju Bala, aged 35 Y 5 M, Group B
DOB 06.05.1984
For Post Assistant Teacher (Nursery)
Post Code 16/19, OBC
D/o Sukhbir Singh, W/o Surender Singh
R/o H.No. 27, Kakraula village, Sector-16
Dwarka, South West Delhi, Delhi-110078
New Delhi-110043, MOB 8800508423.
4. Seema Nager, aged 34 Y 11 M, Group B
DOB 18.10.1984
For Post Assistant Teacher (Nursery)
Post Code 16/19, OBC
D/o B N Nagar
R/o H.No. 88, Garhi, East of Kailash, Delhi.
5. Karuna Chak, aged 37 Y, Group B
DOB 09.10.1982
For Post Assistant Teacher (Nursery)
Post Code 16/19, UR
W/o Sh. Himanshu
R/o 311-332I Extension Mohan Garden
Near OK Model School Model Garden
DK Mohan Garden
West Delhi, Delhi-110059, 9911678701.



6. Snesh, aged 39 Y 3 M, Group B
DOB 14.07.1980
For Post Assistant Teacher (Nursery)
Post Code 16/19, SC
D/o Sh. Jai Bhan
R/o RZ-24A, Palam Vihar 75, New Delhi-75
Mob 9891924361.
7. Geeta Yadav, aged 33 Y 3 M, Group B
DOB 06.07.1986
For Post Assistant Teacher (Nursery)
Post Code 16/19,OBC
D/o Krishan Kumar
R/o H.No-A-74/2, Gali No. 9
East Sagarpur, New Delhi-110046.
8. Sarika, aged 35 Y 8 M, Group B
DOB 05.02.84
For Post Assistant Teacher (Nursery)
Post Code 16/19, OBC
Surinder Kumar, R/o H.No. 3-53, Main Gopal Nagar
Najafgarh, New Delhi-110043.
9. Neeru Sharma, aged 32 Y 1
DOB 31.08.1987
For Post Assistant Teacher (Nursery)
Post Code 16/19, UR
D/o Sh. Keshav Dutt Sharma
R/o H.No. 171A, DDA Flats, Dairy Farm
Gazipur, Delhi-96, Near MCXDS School.
10. Kavita, aged 35 Y 1 M
DOB 20.08.1987
For Post Assistant Teacher (Nursery)
Post Code 16/19, UR
D/o Prem Lal, R/o H.No. S-59, Mohan Garden
Uttam Nagar, Delhi-110059.
11. Neelam, aged 39 Y 10 M, Group B
DOB 21.11.1979
For Post Assistant Teacher (Nursery)
Post Code 16/19, SC
D/o Purshotam Dass
R/o 4220/63, Reigher Pura

Karol Bagh, New Delhi-110005.

12. Rajabala Karir, aged 33 Y 10 M, Group B
DOB 26.11.1985
For Post Assistant Teacher (Nursery)
Post Code 16/19, OBC
D/o Gian Chand Karir
R/o WZ-373, Guru Nanak Nagar
Gali No. 1A, Near CRPF Camp, Delhi-110018.
13. Pinki Maurya, aged 37 Y 6 M, Group B
DOB 11.03.1982
For Post Assistant Teacher (Nursery)
Post Code 16/19, SC
D/o Sh. Ghanshyam Dass Maurya
R/o 3/6174, Block No. 1, Dev Nagar
Karol Bagh, New Delhi-110005.
14. Bimla, aged 39 Y 8 M, Group B
DOB 06.02.1979
For Post Assistant Teacher (Nursery)
Post Code 16/19
D/o Manohar Lal
R/o H.No. 341A, Munirka Village, Delhi.
15. Hemlata Yadav, aged 36 Y 2 M, Group B
DOB 10.08.1982
For Post Assistant Teacher (Nursery)
Post Code 16/19, OBC
D/o Dilip Singh Yadav
R/o A-99, Duggal Colony, Khanpur
New Delhi-80.
16. Varsha Dabral, aged 37 Y 3 M, Group B
DOB 17.06.1982
For Post Assistant Teacher (Nursery)
Post Code 16/19
D/ B.P. Badola
R/o H.No. A1/7, 3rd Floor, Seak Park
Uttam Nagar, West Delhi-110059. ...Applicants

(through Sh. J.S. Mann)

Versus



1. Govt. of NCT of Delhi
Through the Chief Secretary
5th Floor, Delhi Sachivalaya, New Delhi.
2. Delhi Subordinate Services Selection Board
Through its Chairman, GNCTD
F-18, Karkardooma, Institutional Area, Delhi-92.
3. Director of Education, DTE of Education
Govt. of NCT of Delhi, Civil Lines, Delhi-54.
...Respondents

(through Ms. Esha Mazumdar and Sh. Anuj Kumar Sharma)



ORDER (Oral)

Mr. Justice L. Narasimha Reddy, Chairman

In these three OAs, common questions are raised, hence they are disposed of through a common order.

2. The first respondent, issued a notification on 14.01.2020 inviting applications for various posts, including the TGT Special Education Teacher (SET), Post Code-93/20. 978 vacancies are notified with breakup of reservations. The age limit stipulated for that post is 30 years, with relaxation in age, up to the extent of five years, in favour of Guest/Contract Teachers. However, a clause is added to the effect that, in case, the facility of age relaxation is availed by such candidates on an earlier occasion, they shall not be entitled to claim it once again. The applicants filed the OAs challenging the condition incorporated by the respondents.

3. According to the applicants, the post of TGT (SET) was, in fact, brought into existence on the direction issued by the Hon'ble High Court of Delhi, and in WP(C) 1200/2016, the benefit of age relaxation, to the extent of 10 years, was extended to male candidates also. The applicants contend that the denial of the benefit of age relaxation to them, on the ground that it was availed once, is arbitrary and illegal.



4. We heard Sh. Anuj Aggarwal and Sh. J.S. Mann, learned counsel for the applicants and Ms. Esha Mazumdar and Sh. Anuj Kumar Sharma, learned counsel for the respondents.

5. The post of TGT (SET) was created to cater to the needs of the specially abled children. Maybe on account of non availability of sufficient number of qualified candidates, many posts are remaining vacant. In case of women candidates, relaxation of age, up to ten years is granted. In case of male candidates, such a facility does not exist. In WP(C) No. 1200/2016, the Hon'ble High Court of Delhi directed that, a clause be incorporated, providing for relaxation of age. Obviously in compliance with that, the respondents incorporated the clause providing for relaxation of age to the extent of five years, in favour of Guest/Contract Teachers. If such a facility is extended to the applicants, they would become eligible.

6. The respondents incorporated another clause, by way of corrigendum to the effect that in case, the benefit of relaxation is availed on an earlier occasion; the similar benefit is not available for the second time. The relevant clause reads:

“The Guest/Contract teachers who have already availed one time age relaxation earlier, will not be entitled for this age relaxation”.



7. The condition, no doubt, appears to be not so sound in law. Reason is that a futile attempt made by the candidate, by availing benefit of age relaxation, should not defeat his right to claim it once again. Almost on this very basis, we granted an interim order in OA No. 3017/2019. It is brought to our notice that the respondents filed WP(C) No. 11906/2019 against the said order and, the Hon'ble Delhi High Court stayed the operation of the interim order on 13.11.2019. The Writ Petition is now said to be pending.

8. We, therefore, dismiss these OAs, however, directing that, in case, the Hon'ble High Court of Delhi grants any relief in this regard, the respondents shall be under an obligation, to extend the same to the applicants also.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/