



**Central Administrative Tribunal
Principal Bench**

OA No. 366/2020

New Delhi this the 07th day of February, , 2020

Hon'ble Mrs. Vijay Lakshmi, Member (J)

Hon'ble Mr. Pradeep Kumar, Member (A)

1. Annu Khatri
D/o Sh. Mahinder Singh Khatri
R/o 14, Saubhagya Appts. Sector-9,
Rohini, Delhi-110085.

Aged about 39 years
(Group 'B')

(Candidate to the post of Educational and
Vocational Guidance Counsellor) ...Applicant

(By Advocate : Ms. Sonika Gill for Sh. Ajesh Luthra)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi.
2. Delhi Subordinate Services Selection Board (DSSSB)
Through its chairman
FC-18, Karkardooma Institutional Area,
Delhi-92
3. The Director
Directorate of Education,
Govt. of NCT of Delhi
Old Secretariat, Delhi-54.
4. Lieutenant Government of Delhi
Raj Niwas, Rajpur Road,
Delhi.

...Respondents

(By advocate : Shri H A Khan, Additional Standing
Counsel)



O R D E R (Oral)

Hon'ble Mr. Pradeep Kumar, M (A)

The applicant (category-OBC, Sub category-DCF) herein had applied for the post of Educational and Vocational Guidance Counsellor (EVGC), Female (Post Code 149/17) against the vacancy notice issued under Advertisement No. 4/17 dated 20.12.2017 by DSSSB wherein maximum age limit was specified as 30 years with provision for certain age relaxations as per para 6 of said notice. The closing date was 31.1.2018.

2.0. The applicant pleads that she applied against this and was declared qualified based upon the written test result. The written result indicated that she obtained 107 marks which is above cut off. Her date of birth is 23.12.1980. The written result also contained a remark which reads as "you have been short listed against Post Code 149/17. Upload e-dossier as per schedule."

3.0. Subsequently, a rejection notice was issued under Notice No. 401 dated 05.04.2019 wherein it was indicated that her candidature is cancelled on account of her being over age.

The applicant is aggrieved on this rejection of her candidature due to average and preferred the instant OA.

4.0. Applicant has also pleaded that the Advertisement for the post was issued after 20 years, as the previous advertisement for this post was published in 1997. Even the recent advertisement 4/20 published on 4.1.2020, for



posts of teachers other than EVGC, has now specified the maximum age limit of 36 years as against 30 years prescribed for Advt. No. 4/17. Accordingly, applicant pleads that there is merit in the OA.

5.0. Shri H A Khan, Additional Standing Counsel for respondents appeared on advance information.

6.0. Matter has been heard. Applicant relies upon a judgment passed by the Hon'ble High Court of Delhi in WP(C) No. 1200/2016 delivered on 02.07.2019 (Syed Mehedi vs. Govt. of NCT of Delhi & Ors.). The Tribunal finds that the judgement relied upon, is on different grounds and no ratio laid there, is applicable to the instant O.A.

7.0. On a specific query as to whether applicant is overage as per the terms and conditions of the Advt. in question, the applicant fairly replied in the affirmative.

8.0. The Tribunal does not find any merit in the contentions raised in para 4 above. They are not relevant for the issue at hand as what is of relevance is the terms specified in Advt. in question. However, the respondents are at liberty to decide any age relaxation which they may deem fit. Such relaxation shall be applicable to all candidates who might have written the said examination.

9.0. Accordingly, the OA is dismissed at admission stage, itself, being devoid of merit. No costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

