

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 4519/2017

New Delhi, this the 14th day of January, 2020

Hon'ble Mr. S.N.Terdal, Member (Judicial)
Hon'ble Mr.Mohd. Jamshed, Member (Administrative)

1. Geeta Solanki
D/o Sh. Ramphool Solanki
R/o R-1/75, Budh Vihar,
Phase-I, Delhi-110086
Aged about 36 years
(Group 'B ')
(Candidate to the post of Physical Education Teacher)

–Applicant

(By Advocate: Ms.Amita Singh Kalkal, Mr.Avesh Chaudhary)

Versus

1. Govt.of NCT
Through its Chief Secretary
5th Floor, Delhi Sachivalaya, New Delhi.
 2. Delhi Subordinate Service Selection Board
Through its Secretary
Government o f NCT of Delhi,
FC-18, Insitutional Area, Karkardooma
Delhi-110 092.
 3. Directorate of Education
Through its Director
(GNCT of Delhi)
Old Secretarit,Delhi-54
- Respondents

(By Advocate: Mr. Swetank Shantanu, Ms. Monalisha Harsh)

O R D E R (ORAL)

By Hon'ble Mr. S.N. Terdal, Member(J):-

Heard Ms.Amita Singh Kalkal along with Mr.Avesh Chaudhary, learned for the applicants and Mr.Swetank Shantanu with Ms.Monalisha Harsh, learned counsel for the respondents as well.

2. The relief(s) prayed for in this OA are as under:-

- a) Quash and set aside the impugned order dated 07/11/2017, placed at Annexure A/1, to the extent it relates to the applicant.
- b) Direct the respondents to further consider the applicant's case for appointment upon accord of age relaxation as admissible to her under the OBC category and also the meritorious sports person category
- c) Accord all consequential benefits
- d) Award costs of the proceedings; and
- e) Pass any order/relief /direction(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice in favour of the applicant.

3. The relevant facts of the case are that the applicants applied for the post of Physical Education Teacher in sports quota and they have uploaded the requisite certificates to show that they are meritorious sports persons but however their certificates were not in proper prescribed form as per DOP&T's OM dated 04.08.1980 read with

12.11.1987. After filing the OA, however, the applicants have filed their requisite certificates in prescribed form also.

4. Learned counsel for the applicants further submitted that in identical case of Shri Amit Yadav this Tribunal in OA No.4000/2017 on 06.12.2018 allowed the said OA quashing the rejection notice and directed the respondents to recommend the names of the applicants. The relevant portion is extracted below:-.

"8. In view of the above, we quash and set aside Annexure A-1 Rejection Notice No. 203, qua the applicant (Roll No. 12604828). We direct DSSSB to recommend his name for appointment to the user Department in case he is qualified for the post of PET- Post Code 210/14 on the basis of his merit position. This shall be done within a period of two months the date of receipt of a copy of this order.

9. The OA accordingly stands disposed of. No costs."

5. The Hon'ble High Court of Delhi has upheld the said order of this Tribunal passed in the case of Amit Yadav (OA No. 4000/2017) in its order dated 11.10.2019 in W.P.(C) No. 10783/2019 [**Govt. of NCT of Delhi and Anr. vs. Amit Yadav**].

6. In view of the same, the OA is allowed and rejection notices dated 07.11.2017 with respect to all the applicants are set aside and respondents are directed to recommend the names of the applicants and other respondents are directed to

take necessary steps within a period of three months from the date of receipt of a certified copy of this order. No order as to the costs.

(Mohd. Jamshed)
Member(A)

(S.N. Terdal)
Member (J)

/mk/