

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 4115/2017

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. Vikas
S/o Samsher Singh
Aged 33 Years
R/o House No.611/1
VPO Kheri Manajat Sonipat
Haryana New Delhi 131001
(Group B, Physical Education Teacher)
2. Praveen Kumar
S/o Raj Singh
Aged 36 Years
R/o VPO Tharu,
District Sonipat Harayana
New Delhi 131001
(Group B, Physical Education Teacher)
3. Sandeep Kumar
S/o Khayali Ram
Aged 36 Years
R/o House No. 301,
Gopal Nagar,
Surukhpur Road, Najafgarh
New Delhi 110043
(Group B, Physical Education Teacher)
4. Kapil Dev
S/o Raj Gopal
Aged 35 Years
R/o VPO Nimampur House,
No. 214, Near Govt. Dispensary, New Delhi.
(Group B, Physical Education Teacher)
5. Manoj Shrawat
S/o Ranbir Singh Sehrawat
Aged 38 Years
R/o VPO Kair, Naajfgarh,
New Delhi 110043.
(Group B, Physical Education Teacher)

6. Jai Naresh
S/o Azad Singh
Aged 38 Years
R/o Near MC Primary School
VPO Kair, Naajf N. No. 272
Naajfgah, New Delhi 110043
(Group B, Physical Education Teacher)

7. Amit Kumar
S/o Bishamber Singh
R/o M-585, Mangolpuri
N Block, Delhi
North West Delhi.
Delhi-110083.
(Group B, Physical Education Teacher) –Applicants

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

Versus

1. Govt.of NCT
Through its Chief Secretary
Department of Education
Old Secretariat, Delhi

2. Delhi Subordinate Service Selection Board
Through its Secretary
UTCS Building, Vishawas Nagar,
Shadara, Delhi-110032.. – Respondents

(By Advocate: Mr. Atul Kumar)

O R D E R (ORAL)

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

Heard Mr. Ajesh Luthra along with Ms.Amita Singh Kalkal,
learned for the applicants and Mr. Atul Kumar, learned counsel
for the respondents as well.

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

- i) allow the present Original application
- ii) direct the respondents to grant benefit of age relaxation in the upper age limit to the Applicants and direct all consequential benefits given of the applicants in terms of the aforesaid prayer
- iii) quash the rejection notice dated 07.11.2017 in so far as the Applicants has been declare overage
- iv) Pass such other order or orders as are deemed fit and proper in ther facts and circumstances of the case.

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)

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