

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No. 248/2021  
M.A. No. 287/2021**

**This the 4<sup>th</sup> day of February, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Preeti Nanda Mishra  
Group C, ESIC, Recruitment, Age 30  
R/o 803/27, East End Apartment  
New Ashok Nagar, Mayur Vihar  
New Delhi – 110096.

...Applicant

(By Advocate: Dr. Swati Jindal Garg)

**VERSUS**

1. Union of India  
Through Secretary  
Ministry of Labour & Employment  
Shramshakti Bhawan, Rafi Marg,  
New Delhi – 110001.
2. Employee State Insurance Corporation,  
Dental College & Hospital through its Dean  
Sector-15, Rohini,  
New Delhi-110085.
3. Employees State Insurance Corporation,  
Through its Director General  
Panchdeep Bhawan, CIG Marg,  
New Delhi-110002.

...Respondents

(By Advocate: Shri Piyush Chhabra)



## ORDER (Oral)



### **Hon'ble Mr. Justice L. Narasimha Reddy, Chairman:**

The Dental College & Hospital of ESIC, issued an advertisement on 09.03.2020, proposing to select candidates for the post of Tutor. Seven vacancies were notified. The age limit was stipulated as 30 years, to be reckoned w.r.t. 31.03.2020. However, the selection did not take place and the advertisement itself was cancelled vide order dated 01.12.2020. Shortly thereafter, another advertisement was issued on 21.12.2020 for the same post. The only difference is that, this time 15 vacancies were notified; and the age is to be reckoned w.r.t. 11.01.2021.

2. The applicant was one of the candidates, in response to advertisement dated 09.03.2020. She was within the age limit, w.r.t. the date, indicated therein. However, she becomes overaged, if it is to be reckoned with reference to 11.01.2021. This OA is filed with a prayer to direct the respondents to treat her as being within age limit, as regards the subsequent advertisement also.

3. The applicant contends that the respondents have cancelled advertisement issued on 09.03.2020 and almost in continuation thereof, another notification was issued on 21.12.2020. It is stated that in matters of this nature, the



applications received in response to the earlier advertisement are treated as holding good for the subsequent advertisement also, but such facility was not extended by the respondents.

4. Learned counsel for the applicant submits that her client cannot be treated as disqualified for no fault of her, when the only reason is the cancellation of the earlier advertisement.

5. Learned counsel for the respondents, who took instructions at the stage of admission, submits that once the advertisement dated 09.03.2020 was cancelled, the selection is required to be strictly in accordance with the conditions stipulated in the subsequent advertisement dated 21.12.2020.

6. The only question in this OA is as to whether the applicant can be treated as within the age limit for the post of Tutor. It is not in dispute that she was within the age limit, when she submitted an application in response to the advertisement dated 09.03.2020. For whatever reason, the respondents cancelled the said advertisement on 01.12.2020 and within weeks thereafter, a fresh advertisement was issued on 21.12.2020. The only



difference between these two is about the number of vacancies. Eight more posts were added.

7. It is not uncommon that whenever corrigendum or fresh advertisement is issued, the applications that are received in response to the earlier advertisement/ notification, are treated as holding good for the subsequent one also. In this case, except that the vacancies were increased, no change of the recruitment process has taken place.

8. We, therefore, allow the O.A. and direct that the applicant as well as other persons, who submitted their applications in response to the advertisement dated 09.03.2020 and are within the age limit with reference to 31.03.2020, shall be treated as within the age limit, in relation to the advertisement dated 21.12.2020 also and their cases shall be processed, in accordance with law.

9. Pending MA also stands disposed of. There shall be no order as to costs.

Order by **Dasti.**

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**