

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

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O.A. No. 2335 of 1992

New Delhi, dated the 5th MAY 1998.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Prakash Chand Pandey,
Quarter No.313, Sector-V,
R.K. Puram,
New Delhi-110022.

.... APPLICANT

(By Advocate: Shri Shiv Kumar)

1. The Administrator,
N.C.T. of Delhi
through the Directorate of Education,
New Delhi.

2. The Controller of Examinations,
Education Dept.,
Room Nos. 65-66,
Old Secretariat,
Delhi.

... RESPONDENTS

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' order dated 6.2.92 (Ann. 7B) rejecting his candidature for the post of TGT as he was overaged.

2. Respondents issued advertisement dated 17.7.90 (Ann. 6) calling for applications for the posts of teachers in Delhi Administration, which specified that aspirants for the post of TGT should not be more than 30 years on 14.7.90. Relaxation in the upper age limit was admissible as under:

(1) Female applicants - 10 years;

(2) Persons belonging to SC/ST

communities - 5 years;

(3) Physically handicapped persons - 10
years;

(4) Govt. servants - 5 years;

(5) Ex-Servicemen as per Govt.
instructions

(13)

3. Admittedly applicant whose date of birth is 18.5.57 (Para 4.2 of O.A) does not come under categories of 1, 2, 3 & 5. Applicant claims that because he was working as a teacher in the Indraprastha Vidyapeeth, a Govt. aided school w.e.f. 2.1.88 and prior to that he worked as a teacher in Rajendra Lakara Model School (Recognised), Mundaka, Delhi-110041 from Aug. 1982 to 29.12.87 he is covered by definition of School under Section 2(u) Delhi Schools Education Act, 1973 and the minimum qualifications for recruitment to such schools is the same as is applicable to corresponding posts in Govt. run school. Reliance has been placed in this connection on Rule 104 Delhi Education Rules.

4. We are not persuaded to accept this argument. Apart from categories 1, 2, 3 & 5 under which applicant does not fall, advertisement prescribes relaxation in upper age limit for Govt. servants. Applicant is not a Govt. servant, and merely because he worked in an aided School or in a recognised school does not make him a Govt. servant. Rule 104 Delhi School Education Rules lays down that the minimum and maximum of age limit for recruitment to a recognised private school, whether aided or not, shall be the limits specified by the Administrator for appointment to corresponding posts in Govt. Schools. Clearly this rule cannot mandate the Respondents to grant

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relaxation of age limit to applicant's favour.

5. Furthermore, merely because applicant was allowed to appear in the written examination pending scrutiny of his personal particulars gives him no enforceable right to compel respondents to relax age limit in his case, particularly when it was clearly mentioned in the instructions for filling up the application forms that

" Applicant should read the eligibility conditions for recruitment carefully to see if they are eligible and should apply only if they fulfil all the conditions to avoid disappointment at a later stage. The Directorate of Education, Delhi Admn. will not undertake any scrutiny of the applications before written exam. and the applicant shall be allowed to appear on purely provisional basis subject to their eligibility being verified after the written exam. and merely because applicant has been allowed to appear at the written exam. shall not be considered as a ground for his being considered for recruitment."

6. During hearing applicant's counsel has also invited our attention to respondents' letter dated 27.10.93 granting age relaxation to Part Time teachers employed by Punjabi and Urdu Academies and Adult Schools, but even if the rules permit age relaxation to be given for a certain class/category of posts (such as that of Part Time teachers) it does not follow that applicant has a legally enforceable right to compel respondents to grant him age relaxation in his own individual case.

7. Applicant's counsel has also relied upon the rulings in Deepak Sibal Vs. Punjab University 1989 (3) SLR Sc 717 and Laik Ahmed Vs. Anglo Arabic Higher Secondary School & Ors. Current Service Journal Vol. 1 P. 335, but those cases are clearly distinguishable on facts and do not advance applicant's case.

8. In view of the express provisions of the advertisement dated 17.7.90 under which applicant is clearly over-aged we are unable to grant the relief prayed for by him. The O.A. is dismissed. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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