

OAs 1114, 1067, 1063 and 1070 of 2021

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**



OA No.1114/2021

With

OA. No. 1067/2021

OA. No. 1063/2021

OA. No. 1070/2021

This the 21st day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

OA.No. 1114/2021

Mrs. Komal
W/o Sh. Rahul Gautam
R/o C-13/86/Sector-3, Rohini,
Delhi-110085.

... Applicants

(By Advocate: Dr. K.C Rakesh)

Versus

1. Delhi Subordinate Service Selection Board, (DSSSB)
FC-18, Industrial Area, Karkardooma
Delhi-110092
(Through its Secretary)
2. The Govt. of NCT of Delhi
Delhi Secretariat,
IP Estate, ITO
New Delhi-110092
(Through The Chief Secretary of Delhi)
3. The Director of Education,
Govt. of NCT of Delhi,
Directorate of Education,
Old Secretariat,
Delhi-110054
4. The New Delhi Municipal Council
New Delhi
(Through the Chairman)



5. The Secretary/Joint Secretary,
Govt. of India,
Ministry of Personnel, Public Grievances & Pension
(Department of Personnel & Training)
New Delhi.

...Respondent

(By Advocate : Shri Manish Kumar & Ms. Esha Mazumdar)

OA.No. 1067/2021

1. Bhanu Pratap Singh
Aged about 30 years
S/o Sh. Narender Pratap Singh
R/o House No. 145-146, 3rd Floor,
Pocket-5, Sector-25, Rohini, Delhi-110085
Post: Assistant Teacher (Primary)
Post Code: 42/21
Group-B
2. Usha Rani
Aged about 33 years
D/o Sh. Prem Singh
R/o H.No. 339, VPO Begumpur, Delhi-110086
Post: Assistant Teacher (Primary)
Post Code: 42/21
Group-B
3. Pragati Yadav
Aged about 30 years
D/o Sh. Anil Kumar Yadav
R/o E-503, French Apartment,
Near ek Murti Chock,
Sector-16 B,
Greater Noida West, Gautam Buddha Nagar,
Uttar Pradesh-201318
Post: Assistant Teacher (Primary)
Post Code: 42/21
Group-B
4. Krishna
Aged about 33 years
D/o Sh. Braham Prakash
R/o Jatav Maholla, Bharthal Village,
South West Delhi, Delhi-110077.
Post: Assistant Teacher (Primary)
Post Code: 42/21
Group-B
5. Anamika
Aged about 30 years
D/o Sh. Channi Lal
R/o D-8/129, Sector -6,



Rohini, New Delhi-110085
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B

6. Rajan
 Aged about 35 years
 S/o Sh. Vinod Kumar
 R/o 1/10073, Street No. 3-J, West Gorakh Park Shahdara,
 Delhi-110032.
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B
7. Rohit Kumar Saini
 Aged about 30 years
 S/o Sh. Ishwar Singh
 R/o H.No. 17, Near Maini Bus Stand, VPO Jaunti,
 Delhi-110081
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B
8. Deepak Kumar Sharma
 Aged about 31 years
 S/o Sh. Mahender Singh
 R/o H.No. D-1921, Gali No. 8,
 Sanjay Colony, Safiabad Road,
 Narela, Delhi-110040
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B
9. Neelam Devi
 Aged about 30 years
 D/o Sh. Anand Singh
 R/o VPO Bhuran, Near Shiv Mandir, Pillu Khera Mandi, Jind
 126113
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B
10. Meenu
 Aged about 33 years
 D/o Sh. Virender Singh
 R/o H.No. 111, Near MCD, School Molarband,
 Village Badarpur, New Delhi-110044
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B
11. Kamal Dabas
 Aged about 33 years
 S/o Sh. Rajbit Singh
 R/o H.No. 363, Sector-7, Pkt-G-21, Rohini,



Delhi-110085
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B

12. Santosh
 Aged about 35 years
 W/o Sh. Sanjay Kumar
 R/o C-150, Budhnagar, Inderpuri,
 New Delhi-110012
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B
13. Sanjeeta
 Aged about 35 years
 D/o Sh. Ranveer Singh
 R/o H.No. 892, Street No. 19,
 Libaspur Delhi-110042
 Post: Assistant Teacher (Primary)
 Post Code: 42/21
 Group-B

... Applicants

(By Advocate: Shri Anuj Aggarwal)

Versus

1. Lieutenant Governor of Delhi
 Government of NCT of Delhi
 Block 6, Raj Niwas Marg, Civil Lines,
 New Delhi-110054
2. Directorate of Education
 Through the Director of Education
 Govt. of NCT of Delhi,
 Directorate of Education,
 Old Secretariat Building,
 Civil Lines, Delhi-110054.
3. Delhi Subordinate Service Selection Board (DSSSB)
 Through its Chairman
 Govt. of NCT of Delhi,
 FC-18, Institutional Area,
 Karkardooma, Delhi-110092.

...Respondent

(By Advocate : Ms. Esha Mazumdar & Siddharth Pande)



OA. No. 1063/2021

Deepika
DOB 31.05.1988
D/o Chander Dutt Beniwal,
R/o Q31/1 PH-1, Budh Vihar North West
Delhi-110086

... Applicants

(By Advocate: Shri Naveen Kumar)

Versus

1. Govt. of N.C.T of Delhi
Through the Chief Secretary
5th Floor, Delhi Sachivalaya
New Delhi.
2. Delhi Subordinate Services Selection Board
Through its Chairman, GNCTD
F-18, Karkardooma,
Institutional Area, Delhi-110092
3. Director Education (DOE)
Room No-12 Old Secretariat,
New Delhi-110054.
4. New Delhi Municipal Council
Through its Chairman
Palika Kendra, Sansad Marg,
New Delhi-110001.

...Respondent

(By Advocate : Ms. Esha Mazumdar, Ms. Sriparna
Chattarjee & Ranjeet Sharma)

OA.No. 1070/2021

1. Usha Rani
Aged about 33 years
D/o Sh. Prem Singh
R/o H.No. 339, VPO Begumpur, Delhi-110086
Post: Assistant Teacher (Primary)
Post Code: 47/21
Group-B
2. Bhanu Pratap Singh
Aged about 30 years
S/o Sh. Narender Pratap Singh
R/o House No. 145-146, 3rd Floor,
Pocket-5, Sector-25, Rohini, Delhi-110085
Post: Assistant Teacher (Primary)
Post Code: 47/21
Group-B



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Aged about 30 years
D/o Sh. Anil Kumar Yadav
R/o E-503, French Apartment,
Near ek Murti Chock,
Sector-16 B,
Greater Noida West, Gautam Buddha Nagar,
Uttar Pradesh-201318
Post: Assistant Teacher (Primary)
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D/o Sh. Braham Prakash
R/o Jatav Maholla, Bharthal Village,
South West Delhi, Delhi-110077.
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 R/o H.No. 892, Street No. 19,
 Libaspur Delhi-110042
 Post: Assistant Teacher (Primary)
 Post Code: 47/21
 Group-B

... Applicants

(By Advocate: Shri Anuj Aggarwal)

**Versus**

1. New Delhi Municipal Council
Through its Chairman
(NDMC Head Office)
Palika Kendra
Parliament Street, New Delhi-110001

2. Delhi Subordinate Service Selection Board (DSSSB)
Through its Chairman
Govt. of NCT of Delhi,

FC-18, Institutional Area,
Karkardooma, Delhi-110092.

...Respondent

(By Advocate : Ms./Mr. Esha Mazumdar, Anupama Bansal,
Pradeep Kumar & Sriparna Chatterjee)

**O R D E R (ORAL)****Justice L. Narasimha Reddy, Chairman :****O R D E R (ORAL)****Justice L. Narasimha Reddy, Chairman :**

The Delhi Subordinate Service Selection Board (DSSSB) (for short Board) issued vacancy notification dated 12.05.2021 inviting applications for selection of the candidates for various posts including Assistant Teachers (Primary). The applicants intended to apply for the post. The age limit stipulated for the post is 30 years, relaxable upto 5 years in favour of the contractual employees working against the teaching posts, as a onetime measure. The relaxation was also provided in favour of SC/ST/OBC candidates upto different levels. The applicants in these OAs crossed the age of 30 years and they are not within the categories specified in the advertisement for the purpose of relaxation of age limits. They filed these OAs with a prayer to set aside the advertisement, in so far as it stipulated the age limit as 30 years for the post of Assistant Teachers (Primary) and to direct the respondents to extend the age limit in terms of the notification dated 01.11.1980 issued Lt. Governor of Delhi by 10 years. Reliance is also placed upon the notification issued by the DOPT on 21.12.1998.



The applicants contend that way back in the year 1980, the Lt.Gov. of Delhi passed an order providing for relaxation of age limit by 10 years in favour of woman candidates as a measure of women empowerment and the benefit thereof cannot be denied to them. They also contend that in respect of some posts, such as TGT the benefit of relaxation of 10 years was incorporated in the recruitment rules and for reasons best known to them, the Government of Delhi did not amend the rules relating to the post of Assistant Teacher (Primary) in that behalf. They contend that the action of the respondents is arbitrary, illegal and discriminatory.

2. Since the matter is of an urgent nature, time was given to the learned counsel for the respondents to obtain instructions. It is stated that the order dated 01.11.1980 issued by the Lt.Gov was withdrawn through another order dated 06.03.2020. It is also stated that the denial of the benefit of relaxation of age limit for such posts was upheld by this Tribunal in its order in OA.3167/2017 and that the same was upheld by the Hon'ble High Court of Delhi.

3. Today we heard Dr. K.C Rakesh and Sh. Anuj Aggarwal, Sh. Naveen Kumar, learned counsel for applicants and Sh. Manish Kumar & Ms. Esha Mazumdar, Sh. Siddharth Pande, Ms.



Sriparna Chatterjee, & Sh. Ranjeet Sharma, Ms. Anupama Bansal & Sh. Pradeep Kumar, learned counsel for the respondents.

4. The applicants seek the relief of relaxation of age limit. The basis for their claim is the order dated 01.11.1980 passed by the Lt.Gov., of Delhi. It is true that the said order provided for relaxation of age limit in favour of woman candidates, by 10 years. The fact, however, remains that the said order was withdrawn through a separate order dated 06.03.2020. The result is that no special benefit can be conferred upon the woman candidates.

5. Today itself, we dealt with another batch of OAs pertaining to the post of Trained Graduate Teachers. It is found that the recruitment rules for those posts provides for relaxation of age limit upto 40 years in favour of woman candidates. Though a proposal was mooted to delete that clause, the same did not materialize by now. The OAs were allowed and the benefit under the recruitment rules, as they stand now, was directed to be extended. Unfortunately, for the post of Assistant Teacher (Primary) such a provision does not exist. In the absence of the provision in the recruitment rules, we cannot extend that benefit to the applicants. All these years, the relaxation was being granted on the basis of the order dated

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01.11.1980 for the Post of Assistant Teacher also. Once it is withdraw, we cannot extend the relief.

6. We do not find any merit in these OAs and accordingly the same are dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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