Item No.7

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.1938/2021
MA No.2462/2021

This the 9th day of September, 2021

Through Video Conferencing

Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Kaushal Kumar
Aged about 40 years
S/o Sh. Hari Singh
R/o Plot No. 43-44, M-Block, Khaira Road
Gopal Nagar, Phase-2, Najafgarh, Delhi-110043
Post: TGT (Natural Science) (Male) & TGT(Maths) (Male),
Post Code :35/21 & 38/21, Group 'B'

2. Leena Arora
Aged about 48 years
D/o Sh. Prithvi Raj Arora
R/o H. No.34-B, Block No.80
First Floor, Malviya Nagar
New Delhi-110017
Post: TGT (Social Science) (Female)
Post Code :40/21, Group 'B'

...Applicants

(By Advocate: Mr. Anuj Aggarwal)

Versus

1. Lieutenant Governor of Delhi
Govt. 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
Old Secretariat Building
Civil Lines, New Delhi-110054.

3. Special Secretary (Services)
Govt. of NCT of Delhi
Services Department-(Branch-IV)
7th Level, B-Wing, Delhi Secretariat
I.P. Estate, New Delhi-110002.

4. Delhi Subordinate Services Selection Board
Through its Chairman
Govt. of NCT of Delhi
FC-18, Institutional Area
Karkardooma, Delhi-92. ...Respondents

(By Advocate: Mr. Amit Anand)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

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The present MA has been filed under Rule 4(5) of the Administrative Tribunals Act, 1985 seeking permission to file a single petition. For the reasons mentioned therein the same is allowed.

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2. The Delhi Subordinate Services Selection Board (DSSSB) issued vacancy notice No.02/21 dated 12.05.2021 inviting applications for various posts

including the posts of Assistant Teacher (Primary). The age limit for that post was stipulated as 30 years. The applicants therein worked as Guest Teachers for the past several years. The advertisement provided for relaxation of age limit for various categories. In addition to that, there existed a general circular issued on 11.06.2019, providing for one time relaxation in favour of the Guest Teachers subject to maximum of five years.

4. The grievance of the applicants is that limiting the relaxation to five years and restricting it to one time, is not beneficial to them and it ought to have been without such restrictions. They contend that the very purpose of providing relaxation was to enable the Guest Teachers who were working for the past several years, to take part in the selection. It is stated that the applicants were working for the past several years and rendering service to the satisfaction of the concerned authorities and there was no opportunity for them to take part in the selection on earlier occasions. In respect of some of them, the first attempt was not successful. In this background, they filed these OAs with a prayer to set aside clause 2 (III) and 2 (V)

of the memorandum dated 11.06.2019, as also the vacancy notice dated 12.05.2021 insofar as it restricted the age relaxation only in terms of the memorandum dated 11.06.2019, and for a declaration that the benefit shall not be restricted to only one time.

5. Today, we heard Mr. Anuj Agarwal, learned counsel for the applicants and Mr. Amit Anand, learned counsel for the respondents.

6. There is no denial of the fact that OM 11.06.2019 was issued providing for relaxation of age limit in favour of the contractual and other temporary employees. However, the relaxation is restricted to (a) five years, and (b) for one attempt. The applicants want that condition to be set aside.

7. The Government decided to relax the age limit up to five years in respect of temporary employees and by limiting it to one time. As a matter of fact, the recruitment rules do not provide for such benefits, and through an executive order, the benefit was extended. No one can claim the relaxation as of right nor can challenge the

terms thereof, unless it is established that any provision of law is violated. The Government has to maintain a delicate balance for providing opportunity to the freshers on the one hand and to protect the rights of the contractual employees, on the other. The Tribunal cannot interfere in such policy matters, unless, it is shown to be violative of any provision of law.

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

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/rk/vb/