

Item No.9



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

**O.A. No. 1355/2021  
M.A. No. 1749/2021  
M.A. No. 1748/2021**

**This the 20<sup>th</sup> Day of July, 2021**

(Through Video Conferencing)

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

1. Pooja Bhatija  
Aged about 32 years,  
W/o Sh. Deepak Bhatija  
R/o BH-627-D (East), Shalimar Bagh, Delhi-110088  
Mob. No. 9350020324  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B
2. Virender  
Aged about 34 years,  
S/o Sh. Jai Hind  
R/o 23, VPO Birali, Distt. Jind, Haryana  
Mob. No. 7027470054  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B
3. Anup Kumar Pathak  
Aged about 30 years,  
S/o Sh. Sachitanand Pathak  
R/o Village Utraut, Post Utraut, Disttt. Chandauli,  
Uttar Pradesh-232103  
Mob. No. 8736885003  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B
4. Bijender Singh  
Aged about 36 years,  
S/o Sh. Puran Singh  
R/o House No. 64, Sultanpur Dabas, Delhi- 110039  
Mob. No. 9811271322

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- Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B
5. Md. Asit  
Aged about 31 years,  
S/o Sh Islamuddeen  
R/o A-1/1-13, Suet No.3, Nehru Vihar, Delhi-1 10094  
Mob. No. 8851046460  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B
6. Garima Midha  
Aged about 38 years,  
W/o Sh. Manoj Midha  
R/o C-1003, Signature View Apartments  
Dr. Mukherjee Nagar  
Delhi 110009  
Mob. No. 9891991 603, 01179660320  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B
7. Simpi Singh  
Aged about 34 years,  
W/o Sh. Atul Paliwal  
R/o H. No. 78, Extn.-1 B, Nangloi, Delhi-110041  
Mob. No. 8285786378, 9716574196  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B
8. Manju Chandra  
Aged about 40 years,  
W/o Sh. Pradeep Chandra  
R/o G-824/3, 2 Floor, Sukhdev Nagar,  
Kotlamubarakpur,  
New Delhi-110003  
Mob. No. 9873891835  
Post: Special Educator (Primary)  
Post Code: 32/21  
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9. Nisha Dutt  
Aged about 31 years,  
D/o Sh. Harish Dutt

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R/o 25-Sweet Home Apartment Sec-14, Rohini, Delhi  
 Mob. No. 9818823779, 9971787373  
 Post: Special Educator (Primary)  
 Post Code: 32/21  
 Group: B

10. Harish Kumar  
 Aged about 30 years,  
 S/o Sh. Balraj Singh  
 R/o VPO Rajthal, Distt. Hisar, Haryana-125039  
 Mob. No. 8930112343  
 Post: Special Educator (Primary)  
 Post Code: 32/21  
 Group: B
11. Hema Upadhyay  
 Aged about 33 years,  
 W/o Sh. Jagdish Chand Upadhyay  
 R/o B-50/B, Gali No.6, East Vinod Nagar, Delhi-1 10091  
 Mob. No. 9990073113  
 Post: Special Educator (Primary)  
 Post Code: 32/21  
 Group: B
12. Sunil Rathi  
 Aged about 34 years,  
 S/o Sh. Mansa Singh  
 R/o House No. 21/44, Delhi Saharanpur Road Baraut  
 Bagpat  
 (U.P)  
 Mob. No. 6396043821  
 Post: Special Educator (Primary)  
 Post Code: 32/21  
 Group: B
13. Pushpa Rani  
 Aged about 35 years,  
 W/o Sh. Shyam Sunder  
 R/o House No. 1657 Sector-6 Bahadurgarh Jhajjar  
 Haryana-124507  
 Mob. No. 8168020871  
 Post: Special Educator (Primary)  
 Post Code: 32/21  
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14. Manju  
 Aged about 33 years,

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W/o Sh. Parmod Kumar  
R/o VPO Bhali Anand Pur,  
Tehsil Kalanaur, Distt. Rohtak,  
Haryana-124422  
Mob. No.8199902466  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B

15. Suman  
Aged about 36 years,  
D/o Sh. Satbir Singh  
R/o Ward No. 09, VPO Bohar, Pana, Bohan,  
Distt. Rohtak,  
Haryana-124021  
Mob. No. 9802518178  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B

16. Ekta Bajaj  
Aged about 30 years,  
D/o Sh. Sanjeev Bajaj  
R/o House No. 1103, Model Town, Phase-4,  
Bhatinda, Punjab-151001  
Mob. No. 9780366717  
Post: Special Educator (Primary)  
Post Code: 32/21  
Group: B

... Applicants

(By Advocate : Shri Anuj Aggarwal)

**Versus**

1. Delhi Subordinate Services Selection Board (DSSSB)  
Through its Chairman  
Govt. of NCT of Delhi,  
FC-18, Institutional Area,  
Karkardooma, Delhi- 110092  
Email: dsssb-secy@nic.in
2. Lt. Governor of Delhi  
Govt. of NCT of Delhi  
Raj Nivas Marg, Civil Lines,  
New Delhi - 110054  
Email: pstolg.delhi@nic.in

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3. Director of Local Bodies  
Government of NCT of Delhi,  
9th Level, C-Wing, Delhi Sachivalaya,  
I.P. Estate, New Delhi - 110002
4. North Delhi Municipal Corporation (NDMC)  
Through its Commissioner  
Dr. SPM Civil Centre,  
J.L. Nehru Marg,  
New Delhi - 110002  
Email ID: commissioner-ndmc@mcd.gov.in,  
commr-northdmc@mcd.nic.in
5. South Delhi Municipal Corporation (SDMC)  
Through its Commissioner  
23 Floor, Civic Centre,  
Minto Road, New Delhi - 110002  
Email: commissioner-sdmc@mcd.gov.in
6. East Delhi Municipal Corporation (EDMC)  
Through its Commissioner  
19, Udyog Sadan,  
Patparganj Industrial Area,  
New Delhi - 110096  
Email: commissioner-edmc@mcd.gov.in

... Respondents

(By Advocates : Ms. Esha Mazumdar for Respondents No. 1, 2 and 3; Ms. Anupama Bansal for Respondent No. 5, Shri M.S. Reen for Respondents No. 4 and 6)

**O R D E R (ORAL)**

**Mr. Justice L. Narasimha Reddy, Chairman :**

The post of Special Educator (Primary) was created in the Directorate of Education as well as various Municipal Corporations on the directions issued by the Hon'ble High Court of Delhi. Modalities were also stipulated and thereafter it became part of the cadre as Trained Graduate Teacher (TGT)- Special Educator (Primary). The qualifications for the posts were also stipulated. Advertisements were being issued from time to time by the DSSSB for filling up the posts in the Directorate of Education as well as Municipal Corporations. Several candidates were not able to meet the stipulated conditions as to age or qualifications such as CTET. In certain cases, the Hon'ble High Court of Delhi granted relaxation as a one time measure and consequential orders were also passed by the Hon'ble Lt. Governor. So far as the Municipal Corporations are concerned, the relaxation was provided vide order dated 13.03.2020 in respect of the posts that were advertised in the year 2017 with Post Code 15/17. In respect of subsequent advertisements also claims were being made for relaxation of age limits.

2. The aggrieved parties approached this Tribunal by filing OAs. They were disposed of directing the respondents to pass

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speaking orders. Accordingly, an order was passed on 23.06.2021 observing that the relaxation that was provided earlier was only as a one time measure in respect of Post Code 15/17 and no further relaxation can be granted. This OA is filed challenging the order dated 23.06.2021.

3. The applicants contend that the Hon'ble Lt. Governor passed an order dated 06.12.2019 providing for relaxation of age limit in respect of future recruitments whereas in the order dated 13.03.2020 as well as in the impugned order dated 23.06.2021, it was restricted to the posts advertised in the year 2017 only. The applicants contend that the benefit of the order dated 06.12.2019 was not extended to them.

4. We heard Shri Anuj Aggarwal, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

5. The issue is about the relaxation of age limits. The post of Special Educator (Primary) was created on the direction issued by the Hon'ble High Court of Delhi and at several stages, amendments or corrections needed to be made as regards qualifications and age limits. By now, it has become a part of the cadre and qualifications in terms of age limits and



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eligibility criteria are stipulated, as is done in case of other posts. The applicants insist that they should be extended the benefit of age relaxation by ten years.

6. Recently, we dealt with this issue elaborately in various OAs. In the year 1980, the Hon'ble Lieutenant Governor issued an order providing for relaxation of age limit by ten years in favour of women candidates. That however was withdrawn in the year 2020. All the same, the relaxation was incorporated the recruitment rules for the post of TGT in certain subjects. For Primary Teachers, such a provision did not exist. Therefore, the claim for relaxation of age limit for the post as regards which the recruitment rules do not provide, was rejected.

7. As regards the Special Educator (Primary), the recruitment rules do not provide for such a relaxation. After taking into account, the observation made by the Hon'ble High Court of Delhi in Writ Petition, the Hon'ble Lieutenant Governor issued an order as a one time measure. The Hon'ble High Court also directed that it shall be a one time measure.

8. The benefit was already extended to those who responded to the Advertisement issued in the year 2017. The applicants cannot insist on the relaxation being provided as a permanent



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measure. That will take away the very sheen of the selection process. It is for the appointing authority or the Government to take a well informed decision in matters of this nature. The courts cannot alter the qualifications or age limits for the post. Further, the applicants did not challenge the order dated 13.03.2020 which constituted the basis for the speaking order.

9. We do not find any merit in the OA and accordingly the same is dismissed. Pending MAs, if any, shall also stand disposed of.

There shall be no order as to costs.

**(A.K. Bishnoi)**  
**Member (A)**

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

/sd/rk/ns/akshaya/