



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 1509/2021, M.A. No.1964/2021

O.A. No. 1512/2021, M.A. No.1983/2021

O.A. No. 1513/2021, M.A. No.1982/2021

Thursday, this the 5th day of August, 2021

(Through Video Conferencing)

Hon'ble Mrs. Manjula Das, Chairman (Acting)

Hon'ble Mr. A. K. Bishnoi, Member (A)

O.A. No. 1509/2021

1. Amita D/o Sh. Hawa Singh
R/o H.No, 640, Sector-7, HUDA
Gohana, Distt. Sonipat, Haryana
2. Taranun Parveen D/o Sh. Tajuddin,
R/o H.No. J-68A, Mobin Manzil
2nd floor, Ahul Fazal Enclave, Okhla,
New Delhi
3. Pinki D/o Sh. Rattan Lal,
R/o H.No. B-149, Street No. 12,
Swaroop Nagar, New Delhi,
4. Manisha Tyagi D/o Sh. Amit Tyagi,
R/o. H.No. Daulatpur, Village Shikarpur,
Najafgarh, New Delhi.
5. Karuna Rani D/o Sh. Munesh Kumar,
R/o. H.No. 21, Village & Post- Mitron,
New Delhi.

... Applicants

(By Advocate: Mr. Rajesh Khaware)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate, New Delhi.



2. Delhi Subordinate Services Selection Board
(DSSSB) Through its Secretary
FC-18, Karkardooma Institutional Area
Delhi- 110 092
3. Directorate of Education
Through its Secretary
Old Secretariat, Near Vidhan Sabha
Civil Lines, Delhi-110 054.

... Respondents

(By Advocate: Ms. Esha Mazumdar)

O.A. No. 1512/2021

1. Neelam Devi D/o Sh. Mahavir Singh,
R/o H.No. Nathupur, Sonipat, Haryana.
2. Preet Rani D/o Sh. Nafe Singh,
R/o H.No. 31/1/2, Nangli, Sakrawati Extn.
Najafgarh, Delhi.
3. Rekha Sharma D/o Sh. Banwari Lal Sharma,
R/o H. No. A-38, Bhagwati Garden,
Amar Complex, New Delhi.

... Applicants

(By Advocate: Mr. Rajesh Khaware)

Versus

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Through its Chief Secretary,
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2. Delhi Subordinate Services Selection Board
(DSSSB) Through its Secretary
FC-18, Karkardooma Institutional Area
Delhi- 110 092
3. Directorate of Education, Through its Secretary
Old Secretariat, Near Vidhan Sabha
Civil Lines, Delhi-110 054.

... Respondents

(By Advocate: Ms. Esha Mazumdar)

**O.A. No. 1513/2021**

1. Km. Kavita Rani
D/o Sh Mamraj Singh,
R/o H.No.2826, Jawahar Colony,
NIT, Faridabad, Haryana.
2. Bhawana Thareja
D/o Sh Sunil Ahuja
R/o H.No. D-1271, Sainik Colony,
Faridabad, Haryana.
3. Pushpa Upadhyaya D/o Sh. Sachidanand Upadhyay
R/o H.No. A/18A, Phase-V, Arya Nagar,
New Delhi.

... Applicants

(By Advocate: Mr. Rajesh Khaware)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
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Civil Lines, Delhi-110 054.

... Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (ORAL)**Mrs. Manjula Das, Acting Chairman:**

In these three O.As., common question of law and facts arise. Hence, they are disposed of through this common judgment.

2. The Delhi Subordinate Services Selection Board (DSSSB) issued Vacancy Notice/Advertisement No.04/20 dated 01.01.2020 inviting applications for selection of the candidates for the post of Trained Graduate Teacher (TGT) in various disciplines. The applicants intended to apply for TGT in various disciplines, namely, Librarian, Domestic Science, Music Teacher, etc. The age limit stipulated for the post is 30 years, relaxable up to 5 years in favour of the contractual employees working against the teaching posts, as a one-time measure. The relaxation was also provided in favour of SC/ST/OBC candidates upto different levels. The applicants in these O.As. 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 O.As. with a prayer to set aside the advertisement, insofar as it stipulates the age limit as 30 years for the post of TGT, and to direct the respondents to extend the age limit in terms of the notification dated 01.11.1980 issued by the Lt. Governor of Delhi by 10 years.



Reliance is also placed upon the notification issued by the DOPT on 21.12.1998.

3. The applicants contend that way back in the year 1980, the Lt. Governor 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 TGT in that behalf. They contend that the action of the respondents is arbitrary, illegal and discriminatory.

4. On the other hand, Ms. Esha Mazumdar, learned counsel for respondents submitted that the order dated 01.11.1980 issued by the Lt. Governor 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.



5. Today, we heard Mr. Rajesh Khaware, learned counsel for applicants and Ms. Esha Mazumdar, learned counsel for respondents.

6. 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. Governor 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 separate order dated 06.03.2020. The result is that no special benefit can be conferred upon the woman candidates.

7. A coordinate Bench of this Tribunal dealt with the issue pertaining to the post of TGT in O.A. Nos. 1114/2021 & batch, and vide order dated 21.06.2021, it was observed as under:

“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 provide 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 01.11.1980 for



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

8. We are in respectful agreement with the view taken by the coordinate Bench of the Tribunal. Accordingly, the O.A. is dismissed.

9. All the pending M.As. shall stand disposed of.

There shall be no order as to costs

(A.K. Bishnoi)
Member (A)

(Manjula Das)
Acting Chairman

August 05, 2021
/pj/sunil/sd/rk/