

Central Administrative Tribunal  
Principal Bench  
New Delhi

O.A.No.3167/2017  
M.A.No.3361/2017

Order Reserved on: 13.09.2017  
Order pronounced on 14.09.2017

Hon'ble Shri V. Ajay Kumar, Member (J)  
Hon'ble Ms. Nita Chowdhury, Member (A)

1. Asha  
W/o Sh. Satyawar  
R/o H.No.147, Khasra No.322  
NEB Sarai,  
New Delhi – 110 068.

2. Pinky  
D/o Sh. Yashpal  
R/o A-816, Bhalswa Dairy  
Delhi – 110 042.

... Applicants

(By Advocate: Shri Ajesh Luthra)

Versus

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

2. Delhi Subordinate Services Selection Board (DSSSB)  
Through its Secretary  
FC-18, Karkardooma Institutional Area  
Delhi – 92.

3. South Delhi Municipal Corporation  
Through its Commissioner  
9<sup>th</sup> Floor, Civic Centre  
New Delhi.

4. North Delhi Municipal Corporation  
Through its Commissioner  
4<sup>th</sup> Floor, Dr. S.P.M. Civic Centre  
JLN Marg  
New Delhi – 110 002.

5. East Delhi Municipal Corporation  
Through its Commissioner  
419, IInd Floor, Udyog Sadan  
Industrial Area, Patpar Ganj  
Delhi – 110 092.

6. Lieutenant Governor of Delhi  
Raj Niwas, Rajpur Road  
Delhi.

... Respondents

(By Advocate: Sh. R.K.Jain and Sh. N.K.Singh for Ms. Avnish Ahlawat)

### **ORDER**

**By V. Ajay Kumar, Member (J):**

Heard Shri Ajesh Luthra, the learned counsel for the applicants, and Shri N.K.Singh (proxy of Mrs. Avnish Ahlawat) and Shri R.K.Jain, the learned counsel for the respondents on receipt of advance notice.

2. MA No.3361/2017 for joining together is allowed.

3. The applicants are women and aggrieved by the action of the respondents in not accepting their applications for recruitment to the

posts of Special Educator (Primary) [Post Code No.15/17] in respect of Advertisement No.02/17 on the ground of overage.

4. It is submitted that the posts of Special Educator are created, in pursuance of a Judgement of the Hon'ble High Court of Delhi, in the year 2012. As per the Rehabilitation Council of India, the maximum age limit, for acquiring the relevant educational qualification, is 35 years. But the respondents vide the impugned Notification fixed the maximum age limit for the post of Special Educator (Primary) at 30 years. Accordingly, it is contended that the fixation of age limit at 30 years is bad and against to the concept of creation of the Special Educator posts itself.

5. It is further submitted that in terms of the orders dated 01.11.1980 of the Lt. Governor of Delhi, all the women candidates are entitled for age relaxation of 10 years in the maximum age limit.

6. The learned counsel placing reliance on various decisions, in respect of the above referred submissions, prayed for an interim direction to accept the applications of the applicants, pending disposal of the OA, and submits that if the applicants' applications are not accepted by the respondents, before the last date, the applicants would be put to irreparable loss.

7. Per contra, the learned counsel appearing for the respondents, also by placing reliance on various other decisions, opposed the granting of any interim directions.

8. In view of the rival submissions, the issues raised by both sides are to be examined in detail, after the pleadings are complete.

9. Issue notice to the respondents by DASTI. The applicants' counsel shall file proof of service before the next date of hearing. List on 27.09.2017.

10. In the meanwhile, in view of the balance of convenience, the respondents are directed to accept the applications of the applicants, offline, if necessary, however, provisionally. Further, the respondents shall not declare the results of the applicants until further orders from this Tribunal.

Order by **DASTI**.

(Nita Chowdhury)  
Member (A)

(V. Ajay Kumar)  
Member (J)

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