

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3175/2017
M.A.No.3360/2017

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. Arun Kumar Mahawar
S/o Sh. Hazari Lal Mahawar
R/o Village Basai, Teh. Behror
Dist. Alwar, Rajasthan
Aged about 36 years.
2. Gurvinder Singh
S/o Sh. Balwant Singh
R/o Village 64, GB, P.O.Ramsinghpur
Teh. Anupgarh, Dist. Sriganganagar, Rajasthan
Aged about 30 years.
3. Prem Prakash Rathore
S/o Sh. Bhawani Singh Rathore
R/o Village Nawalpura, Post Shyampura
Teh. Bansur,
Dist. Alwar, Rajasthan-301402.

(Group 'B', Candidates for the post of Special Educator in GNCT).
... Applicants
(By Advocate: Shri Ajesh Luthra)

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 – 92.

3. South Delhi Municipal Corporation

Through its Commissioner
 9th Floor, Civic Centre
 New Delhi.

4. North Delhi Municipal Corporation

Through its Commissioner
 4th Floor, Dr. S.P.M. Civic Centre
 JLN Marg
 New Delhi – 110 002.

5. East Delhi Municipal Corporation

Through its Commissioner
 419, IIInd 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)

O R D E R

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.3360/2017 for joining together is allowed.
3. The applicants are 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. 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.
6. Per contra, the learned counsel appearing for the respondents, also by placing reliance on various other decisions, opposed the granting of any interim directions.

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

8. 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.

9. 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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