

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.4000/2017

Thursday, this the 6th day of December 2018

**Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Amit Yadav, age 36 years
s/o Ajay Yadav
r/o H.No.272, Naharpur
Sector 7, Rohini, Delhi – 110 085

..Applicant

(Ms. Amita Singh Kalkal, Advocate)

Versus

1. Govt. of NCT
Through its Chief Secretary
Department of Education
Old Secretariat, Delhi
2. Delhi Subordinate Service Selection Board
Through its Secretary
UTCS Building, Vishawas Nagar
Shadara, Delhi – 110 032

..Respondents

(Mr. Anuj Kumar Sharma, Advocate)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

Pursuant to Annexure A-5 Vacancy / Advertisement No. 02/14, Delhi Subordinate Services Selection Board (DSSSB), inviting applications for various posts, including the post of Physical Education Teacher (PET) – Post Code No. 210/14 under the sportspersons quota, the applicant applied for the said post. He belongs to OBC category. As per the Advertisement, the maximum age limit for the said post is 30 years. For sportspersons, belonging to OBC category, 8 years age relaxation was available.

2. The applicant participated in the written examination and secured 86 marks and was shortlisted for the post. His grievance is that unfairly he has been declared ineligible on the ground of being overage by DSSSB vide its impugned annexure A-1 Rejection Notice No.203 dated 07.11.2017.

3. Ms Amita Singh Kalkal, learned counsel for applicant drew our attention to a printout of Online Application Registration System (OARS) of the applicant (Annexure A-12), which would indicate that applicant's date of birth is 07.09.1981 and as on the last date of submission of applications, i.e., 25.01.2015, he was 33 years 4 months and 17 days old. Learned counsel, thus, argues that taking into consideration the age relaxation available to sportspersons belonging to OBC category (8 years), the applicant was not overage and as such rejection of his candidature by Annexure A-1 Rejection Notice is illegal.

4. *Per contra*, Mr Anuj Kumar Sharma, learned counsel of respondents argues that the applicant has not furnished the sportsperson certificate in the prescribed format of Department of Personnel and Training (DoPT). In this regard, he drew our attention to the averments made by the respondents in paragraph 6 of their reply, wherein it is clearly indicated as to who are the authorities at various levels who have been authorized to issue sportsperson certificate. He further submitted that DoPT, Government of India, vide its O.M. dated 12.11.1987 (p. 98), has also prescribed a specimen form in which certificates are to be issued to the sportspersons. He, thus, contended that since the applicant has not furnished the sportsperson certificate in the DoPT prescribed format, he

has been treated as general category candidate and accordingly declared overage.

5. Replying to the arguments of learned counsel for respondents, learned counsel for applicant submitted that the applicant had submitted Annexure A-4 certificate issued to him by Volleyball Federation of India duly signed by its President and Secretary General. She further submitted that the Federation has also issued a certificate in the format prescribed by DoPT, which has been annexed as Annexure A-16 with the rejoinder.

6. We have considered the arguments of learned counsel for the parties.

7. From Annexures A-4 and A-16 certificates issued by Volleyball Federation of India, we are convinced that the applicant comes under the sportsperson category and he is entitled for consideration under sportsperson/OBC category and entitled for 8 years age relaxation.

8. In view of the above, we quash and set aside Annexure A-1 Rejection Notice No. 203 dated 07.11.2017, *qua* the applicant (Roll No.12604828). We direct DSSSB to recommend his name for appointment to the user Department in case he is qualified for the post of PET - Post Code 210/14 on the basis of his merit position. This shall be done within a period of two months from the date of receipt of a copy of this order.

9. The O.A. accordingly stands disposed of. No costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

December 6, 2018
/sunil/