

**Central Administrative Tribunal  
Principal Bench**

**OA No.415/2018**

**WITH**

**OA No.416/2018, OA No.417/2018,  
OA No.418/2018, OA No.419/2018,  
OA No.420/2018, OA No.421/2018,  
OA No.423/2018, OA No.424/2018,  
OA No.426/2018, OA No.427/2018,  
OA No.428/2018, OA No.429/2018,  
OA No.430/2018, OA No.431/2018,  
OA No.435/2018, OA No.436/2018,  
OA No.437/2018, OA No.438/2018  
AND OA No.439/2018**

New Delhi, this the 22<sup>nd</sup> day of October, 2018

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

**OA No.415/2018**

Ms. Geeta Rani and Ors. ...Applicants

Vs.

Govt. of NCT of Delhi and Ors. ..Respondents

**OA No.416/2018**

Geeta Rani and Anr. ..Applicants

Vs.

Govt. of NCT of Delhi and Ors. ...Respondents

**OA No.417/2018**

Niharika and Anr. ....Applicant

Vs.

Govt. of NCT of Delhi and Anr. ..Respondents

**OA No.418/2018**

Geet Sardana ..Applicant

Vs.

Govt. of NCT of Delhi and Ors. ...Respondents

**OA No.419/2018**

Anil Kumar Gautam

...Applicant

Vs.

DSSSB and Ors.

...Respondents

**OA No.420/2018**

Poonam Devi and Ors.

...Applicants

Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

**OA No.421/2018**

Karan Kumar and Ors.

...Applicants

Vs.

Govt. of NCT of Delhi and Anr.

...Respondents

**OA No.423/2018**

Amit Kumar and Ors.

...Applicants

Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

**OA No.424/2018**

Nisha Kumari

...Applicant

Vs.

DSSSB and Ors.

...Respondents

**OA No.426/2018**

Pankaj Dagar and Ors.

...Applicants

Vs.

Govt. of NCT of Delhi and Ors.

...Respondents

**OA No.427/2018**

Nidhi Tyagi and Ors.

Vs.

...Applicants

Govt. of NCT of Delhi and Ors.

...Respondents

**OA No.428/2018**

Naveen Kumar

Vs.

...Applicant

Govt. of NCT of Delhi and Ors.

..Respondents

**OA No.429/2018**

Meenakshi

Vs.

...Applicant

DSSSB and Anr.

...Respondents

**OA No.430/2018**

Ritika Sharma

Vs.

...Applicant

DSSSB and Ors.

..Respondents

**OA No.431/2018**

Chander Bose and Ors.

Vs.

...Applicants

Govt. of NCT of Delhi and Ors.

...Respondents

**OA No.435/2018**

Mamta Rani and Ors.

Vs.

...Applicants

Govt. of NCT of Delhi and Ors.

...Respondents

**OA No.436/2018**

Renu Bala ...Applicant

Vs.

DSSSB and Anr. ..Respondents

**OA No.437/2018**

Sachin Sharma ...Applicant

Vs.

Govt. of NCT of Delhi and Ors. ..Respondents

**OA No.438/2018**

Sandeep Kumar and Ors. ...Applicants

Vs.

Govt. of NCT of Delhi and Ors. ..Respondents

**OA No.439/2018**

Rakhi Sharma and Ors. ...Applicants

Vs.

Govt. of NCT of Delhi and Ors. ...Respondents

(Applicants in all the OAs by Advocates: Shri U Srivastava along with Ms. Neelima Rathore, Shri H.S. Dahiya, Shri Ajesh Luthra, Shri Ranjit Sharma, Shri Rajeshwar Singh, Shri Vipul, Shri T.N. Tripathi, Shri Praveen Kumar and Shri Rajesh Pratap Singh Raghuvanshi)

(Respondents in all the OAs by Advocates: Ms. Harvinder Oberoi, Additional Standing Counsel, Shri Amit Anand, Shri Rajeev Kumar, Shri Anuj Kumar Sharma, Ms. Purnima Maheshwari, Shri Ashok Kumar and Shri Jagdish N)

## **ORDER (ORAL)**

### **Justice L. Narasimha Reddy:-**

Since all these OAs are identical in nature, they are disposed of by this common order.

2. These OAs are filed challenging the advertisement issued by the respondents proposing to select candidates for the post of Assistant Teacher(Primary), in so far as it stipulated conditions that disentitle the applicants from appearing in the proposed examination for selection. On various dates, interim orders were passed by this Tribunal directing the respondents to permit the applicants to take part in the examination but it was directed that such appearance shall not be treated as adjudication or determination of any rights.

3. We heard U. Srivastava along with Ms. Neelima Rathore, Shri H.S. Dahiya, Shri Ajesh Luthra, Shri Ranjit Sharma, Shri Rajeshwar Singh, Shri Vipul, Shri T.N. Tripathi, Shri Shiv Kumar Suri, Shri Bajrang Vats Shri Khagesh B. Jha, Shri Naveen Kumar, Shri Tarun Kumar, Shri Praveen Kumar and Shri Rajesh Pratap Singh Raghuvanshi, learned counsel for the applicants in respective OAs and Ms. Harvinder Oberoi, Additional

Standing Counsel and Shri Amit Anand, Shri Rajeev Kumar, Shri Anuj Kumar Sharma, Ms. Purnima Maheshwari, Shri Ashok Kumar and Shri Jagdish N, learned counsel for respondents at length.

4. The applicants felt aggrieved by certain conditions incorporated in the advertisement. While, according to them, the conditions cannot be sustained in law, the respondents plead that they have been incorporated on the basis of the relevant provisions of law as well as the adjudication, that has taken place earlier.

5. The occasion for us to go deep into the issue at this stage would arise if only the results are declared and applicants or some of them come up to the level/zone of selection. It is only with reference to those candidates, who otherwise stand a chance of being selected, that the further particulars or the legality of their claim, can be decided. Pendency of the OA is prone to be an impediment for the entire selection process.

6. We, therefore, dispose of these OAs directing that:  
(a) the respondents shall proceed to declare results of the examination which was held in pursuance of the impugned notification/advertisement.

(b) the interim order passed in these OAs, shall not be construed as conferring eligibility upon them, but the same shall be decided by the respondents separately.

(c) in case the applicants or any of them are found to be in the zone of selection, the respondents shall inform such of them through a notice as to how they are not eligible to participate in the selection process, duly indicating the reasons.

(d) the applicants shall be entitled to submit their explanation/representation putting forward their grievance, within 15 days from the date of receipt of such communication.

(d) further steps shall be taken by the respondents as regards the applicants only after passing a reasoned order, on the basis of the notice and reply, if any.

(e) the verification as indicated shall be undertaken along with the results in the examination.

It shall be open to the applicants to approach the Tribunal if their grievance subsists. There shall be no order as to costs.

**(Pradeep Kumar)**  
**Member(A)**

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

/vb/