

**Central Administrative Tribunal
Principal Bench**

OA No.535/2018

WITH

OA No.536/2018 with MA No.546/2018

OA No.537/2018 with MA No.551/2018

OA No.538/2018 with MA No.1821/2018

OA No.570/18, MA No.573/18 & MA No.574/18

OA No.2617/2018

OA No.2699/2018 with MA No.3009/2018

OA No.3157/2018 and OA No.3213/2018

New Delhi, this the 31st day of October, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

OA No. 535/2018

1. Ms. Sargam Ahlawat
D/o Sh. Om Veer Singh
R/o C-885, LIG DDA Flats
East of Loni Road, Shahdara
Delhi-93, Aged about 37 years
2. Ms. Kusum Lata
D/o Sh. Shiv Kumar
R/o 1/3038, Ram Nagar
Loni Road, Shahdara, Delhi-32
Aged about 41 years.
3. Mrs. Ranju Yadav
W/o Sh. Chittarpal
R/o H.No.518, Sector 39
Gurgaon, Near Baktavar Chowk, Delhi
Aged about 35 years
4. Ms. Sapna Malik
D/o B.S. Malik
R/o Flat No.405, DDA
SFS Sector 22, Dwarka, New Delhi
Aged about 32 years
5. Ms. Rajni Kumari
D/o Sh. Shankar Lal

R/o 11/12, School Road, Uttam Nagar
Gali No.55, New Delhi-59
Aged about 33 years

6. Ms. Khushbu Sharma
D/o Sh. D.K. Sharma
R/o H. No.156, Near Hanuman Mandir
Haider Pur, Delhi
Aged about 32 years
7. Mrs. Renu W/o Sundeep Kaushik
Aged about 36 years
R/o H. No.209, Gali No.6
SBS Colony Karawal Nagar ...Applicants

(By Advocates: Shri T.D. Yadav and Shri Vinay Kumar)

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 Chairman
FC-18, Karkardooma Institutional Area
Delhi-92.
3. The Director, Directorate of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi-54.
4. Lieutenant Governor of Delhi
Raj Niwas, Rajpur Road
Delhi. ...Respondents

(By Advocates: Ms. Harvinder Oberoi, Additional
Standing counsel and Shri Anuj Kumar Sharma)

OA No. 536/2018

1. Annu Kumar, D/o Tejpal
D.O.B.: 01/12/87
Female(Aged 30 Y 2M(Gen)
Address: VPO Nuna Mazra, Tehsil

Bahadurgarh, District Jhajjar
Haryana-124502.

2. Kavita, W/o Narender Dabas
D.O.B.:15/07/1987
Female(Aged 30 Y 6M(Gen)
Address: VPO Mazra Dabas.
3. Sudesh, W/o Hari Ram
D.O.B.:21/09/1979
Female(Aged 38 Y 2M(OBC)
Address: VPO Mazra Dabas
Delhi-110081.
4. Mamta, D/o Laxman Singh
D.O.B.:04/01/1983
Female(Aged 35 Y (OBC)
Address: H.No.167
Village Maidan Garhi
New Delhi-110068
5. Kiran, D/o Purshottam Soni
D.O.B.:02/09/1983
Female(Aged 34 Y 4M(OBC)
Address: H.No. 33/A/2, Block Dharam
Pura Najafgarh, New Delhi-110043.
6. Meena, D/o Chanda Ram
D.O.B.:17/10/1982
Female(Aged 35 Y 3M(SC)
Address: H.No.E-217 Mangol Puri
Delhi-110083.
7. Jyoti Kumar, D/o Jaipal Singh
D.O.B.:19.09.1979
Female Aged 37 Y 4 M(SC)
Address: H. No.148/6, Bhim Nagar
Sarang Road, Sonapat Haryana
8. Parveena, D/o Jai Bhagwan
D.O.B.:09/11/1984
Female(Aged 33 Y 2M(OBC)
Address: H.No.109, D-BLK Ph-2, Durga
Vihar Najafgarh Delhi-110043.

9. Reeta, W/o Ravinder Sehrawat
D.O.B.:05/11/1987
Female(Aged 30 Y 2M)(GEN)
Address: 8/31, Mehram Nagar, Opp
Palam Airport Delhi-110037
10. Seema Sharawat, D/o Ajit Singh
D.O.B.:18/11/1984
Female(Aged 33 Y 2M(OBC)
Address: C-183, Prem Nagar
Extn. Kirari Delhi-110086.
11. Radha Devi, D/o Lilu Ram
D.O.B.:20/07/1982
Female(Aged 35 Y 6M(GEN)
Address: H.No.446, VPO
Devshar, Tehsil/Dist. Bhiwani
Haryana-127021.
12. Minakshi Grewal, D/o Rajvir Singh Grewal
D.O.B.:10/05/1987
Female(Aged 30 Y 8M(GEN)
Address: Jhajjar By Pass, New Kenehli
Road, Rohtak, Haryana
13. Sarita Rani, W/o Deeapk Kumar
D.O.B.:02/12/1984
Female(Aged 37 Y 2M(OBC)
Address: Village Dariyapur
Khurd, Post Ujawa, New Delhi-110073.
14. Kavita, D/o Jaipal Dahiya
D.O.B.:17/01/1985
Female(Aged 33 Y(OBC)
Address: H.No.272, Patna
Dullan, Bawana Delhi-110039.
15. Varsha Rani, D/o Pratap Singh
D.O.B.:10/10/1987
Female(Aged 30 Y 3M(GEN)
Address: C-27A, Jeevan Park
Pankha Road, Uttam Nagar
New Delhi-110059
16. Parveen Kumari, D/o Ramphal Singh
D.O.B.:30/12/1987

Female(Aged 30 Y 1M(GEN)
Address: H.No.1983, Sec. 30
Bhiwani, Haryana-127021.

17. Ravinder Kumar, S/o Bhagwat Singh
D.O.B.:29/01/1985
Male(Aged 33 Y (OBC)
Address: H.No.F-48, Gali No.6
Sadatpur Extn Delhi-110094.
 18. Amit Sharma, S/o Dayanand
D.O.B.:10/01/1986
Male(Aged 32 Y (GEN)
Address: Village Begumpur
Delhi-110086
 19. Rajbir, S/o Phool Singh
D.O.B.:04/08/1977
Male(Aged 40 Y 5M(SC)
Address: VPO, Gautam Nagar Tauru
Dist. Mewat, Haryana PIN 122105.
 20. Babita Rani, W/o Parveen Kumar
D.O.B.:01/09/1985
Female(Aged 32 Y (OBC)
Address: Khorkhoda Dist. Sonapat
Haryana-131402.
 21. Satish Kumar, S/o Jageram
D.O.B.:12/06/1987
Male(Aged 30 Y 6M(GEN)
R/o village Busana, The Gohana
Dist. Sonapat, Haryana-131306.
 22. Yogita, W/o Ashish Bhardwaj
D.O.B.:06/04/1986
Female(Aged 31 Y 9M(GEN)
R/o House No.39, Village
Naya Bans, Delhi-8
- ...Applicants

(By Advocate: Shri J.S. Mann)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary

5th Floor, Delhi Sechivalaya
New Delhi.

2. Delhi Subordinate Services Selection Board(DSSSB) through its Chairman GNCTD, FC-18, Karkardooma Institutional Area Delhi-92.
3. Director of Education
Dte of Education
Govt. of NCT of Delhi
Civil Lines, Delhi-54. ...Respondents

(By Advocate: Ms. Harvinder Oberoi, Additional Standing counsel)

OA No. 537/2018

1. Salochana Devi, Age 38 years
D/o Sh. Hoshiar Singh
R/o Near Mata Mandir
Village-Paprawat
PO-Najafgarh, New Delhi-110043.
2. Seema Rani, Age 34 years
W/o Sh. Vijay Pal
R/o H. No.983, Sector-2
Bahadurgarh, Haryana
3. Suman Rani, Age 32 years
W/o Sh. Deepak Dalal
R/o VPO-Asauda, Pana-Todran
Tehsil-Bahadurgarh
District-Jhajjar
Haryana. ...Applicants

(By Advocate: Shri Yashpal Rangi)

Versus

Govt. of NCT of Delhi and Ors. through

1. Chief Secretary, Govt. of NCT of Delhi
New Secretariat, I.P. Estate
New Delhi.

2. Delhi Subordinate Services Selection Board(DSSSB) through its Chairman
FC-18, Karkardooma Institutional Area
Delhi-92.
3. The Director, Directorate of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi. ...Respondents

(By Advocates: Shri Jagdish N. And Anuj Kumar Sharma)

OA No. 538/2018

Ajay Kumar (Aged about 32 years)
S/o Sh. Mahesh Prakash
R/o C-7/57, Keshav Puram, Delhi
Post of Special Educator Teacher under
Post Code 87/17. ...Applicant

(By Advocate: Shri R.K. Shukla)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
A-Wing, 5th Floor
Delhi Secretariat, I.P. Estate
New Delhi.
2. Union of India through its Secretary
Ministry of Human Resource Development
Shastri Bhawan, New Delhi.
3. Delhi Subordinate Services Selection Board(DSSSB) through its Chairman
FC-18, Karkardooma Institutional Area
Delhi-92.
4. The Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat Building, Civil Lines
Delhi-110054. ...Respondents

(By Advocate: Shri Anuj Kumar Sharma)

OA No. 570/2018

1. Kirti Anand, s/o Shiv Kumar Anand
R/o C-129, Rama Park
Uttam Nagar
Delhi-59
DOB 27/12/1986
Cetegory-General
2. Kavita, D/o Kishan Lal
R/o RZE 1/B, New Roshanpura
Najafgarh
New Delhi 43, DOB 02/02/1982
Category OBC
3. Needhi, D/o Jai Bhagwan
R/o H.No. 182, Kampu Wali Galikanjhwala
Delhi -110081
DOB 13/07/1987
Category General
4. Sangeeta, D/o Kanwal Singh
R/o H. No.142/152, Kanjhwala Village
Delhi-110081, DOB 07/09/1984
Category OBC
5. Ajay Kumar Verma
S/o Sumer Singh
R/o H.No.1387, Gali Sunaro Wali
Najafgarh, New Delhi-110043.
DOB 06/01/1984
Category OBC
6. Sumit Rana, S/o Jai Inder Rana
R/o H. No. 386, Village & PO
Mukhmelpur, Delhi-110036.
DOB 04/04/1984, Category OBC
7. Sheetal, D/o Shyam Yadav
R/o H. No.B-185/5/6, Yadav Market Road
Near Shiv Mandir, Swaroop Nagar
Delhi-42, DOB 26/12/1983
Category OBC
8. Soniya, D/o Trilok Chand
R/o H. No.203, Shad Wali Gali

Village & PO Ghoga, Delhi – 39
DOB 28/11/1986

9. Rinky, D/o Suresh Kumar
R/o T-510/C-21
Baljeet Nagar, Hill Marg
New Delhi, DOB 29/12/1987
10. Seema, D/o Dinesh Kumar
R/o 4/158, Lalita Park
Laxmi Nagar, New Delhi-110092.
11. Anita Kataria
D/o Brijpal Singh Kataria
R/o A-165, Devli Extension, Near DDA Flats
Tigri, New Delhi-110062.
DOB 02/07/1982 ..Applicants

(By Advocate: Shri Varun Singh)

Versus

1. Govt. of NCT of Delhi
Through Standing Counsel, GNCT
The Central Administrative Tribunal
Principal Bench, New Delhi.
2. Directorate of Education
Through its Director
Govt. of NCT of Delhi
Old Secretariat, Delhi-54.
3. Delhi Subordinate Services Selection
Board(DSSSB) through Examination Controller
FC-18, Karkardooma Institutional Area
(Near Railway Reservation Centre)
Delhi-110092. ...Respondents

(By Advocate: Ms. Harvinder Oberoi, Additional
Standing counsel)

OA No. 2617/2018

Parvinder S/o Sh. Ranbir Singh
R/o House No.793
Sector 23, Sonipat

(Age 23 years)
 (Assistant Primary Teacher TGT (Post Code 89/17
 Group 'B') ...Applicant

(By Advocate: Shri Yogesh Kumar Mahur)

Versus

1. Govt. of NCT of Delhi
 Through its Chief Secretary
 A-Wing, 5th Floor
 Delhi Secretariat, I.P. Estate
 New Delhi.
2. Union of India through its Secretary
 Ministry of Human Resource Development
 Shastri Bhawan, New Delhi.
3. Delhi Subordinate Services Selection
 Board(DSSSB) through its Chairman
 FC-18, Karkardooma Institutional Area
 Delhi-92.
4. The Director of Education
 Directorate of Education
 Govt. of NCT of Delhi
 Old Secretariat Building, Civil Lines
 Delhi-110054.
5. Central Board of Secondary Education
 Through its Chairperson
 'Shiksha Kendra', 2, Community Centre
 Preet Vihar, New Delhi-110092. ...Respondents

(By Advocates: Shri D.K. Singh for Ms. Purnima
 Maheshwari and Ms. Esha Mazumdar)

OA No.2699/2018

1. Shivani Aged about 21 years
 D/o Jasbir Singh
 R/o Pocket G-4, House No.106-107
 Third Floor Sector-11, Rohini, Delhi
 (Applicant for Primary Teacher Post Code 1/18)
 (Female)/Non CTET Qualified.

2. Atisha Sharma, Aged about 21 years
S/o Sh. Narender Sharma
Resident of House 1575, Pana Mamurpur
Narela Delhi-110040
(Applicant for Primary Teacher Post Code 1/18)
(Female)/Non CTET Qualified.
3. Saurabh, Aged about 22 years
S/o Sh. Subhash
Resident of House R-85, Gali No.15A
Swatantra Nagar, Narela Delhi-110040
(Applicant for Primary Teacher Post Code 1/18)
(Female)/Non CTET Qualified.
4. Deepak, Aged about 24 years
S/o Sh. Mahender
R/o House C-572, Gali No. 27A
Swatantra Nagar, Narela
Delhi – 110040.
(Applicant for Primary Teacher Post Code 1/18)
(Female)/Non CTET Qualified.
5. Sonam Dalal, Aged about 22 years
D/o Surender, R/o 1683, Chhara Charra
Bahadurgarh, Jhajjar, Haryana-124504.
(Applicant for Primary Teacher Post Code 1/18)
(Female)/Non CTET Qualified.
6. Sabita Devi Phalswal
W/o Narender Singh
WZ 87/122, Dabri Palam Road
Near Dwarka Flyover New Delhi
(Applicant for Primary Teacher Post Code 1/18)
(Female)/Non CTET Qualified.
7. Anuradha, Age 34 years
D/o Sh. Ram Kishan Khatri
R/o House No.C/204
Laxmi Park Nangloi Delhi-110041.
(Applicant for Primary Teacher Post Code 1/18)
(Female)/Non CTET Qualified.
8. Raj Bala, Aged about 37 years
D/o Prem Chand
R/o WZ 42, Hari Nagar Park
New Multan Nagar, North

West Delhi-110056
 (Applicant for Primary Teacher Post Code 1/18)
 (Female)/Non CTET Qualified.

9. Pankaj Sehrawat Aged about 27 years
 S/o Rajvir Singh
 R/o 139, Badi Chaupal Wali Gali
 Dariyapur Kalan, North West
 Delhi-110039.
 (Applicant for Primary Teacher Post Code 1/18)
 (Female)/Non CTET Qualified.
10. Sudha Aged about 30 years
 D/o Surender Kumar
 R/o D-30/A, Meera Enclave
 Village Runhoula, PO: Nangloi
 Delhi-110041.
 (Applicant for Primary Teacher Post Code 1/18)
 (Female)/Non CTET Qualified.
11. Kiran Ran Aged about 36 years
 W/o Rajender Singh Rana
 R/o House No.446, Qutub Garh
 Delhi – 110039
 (Applicant for Primary Teacher Post Code 1/18)
12. Nishta Mathur Aged about 19 years
 D/o Yogesh Kumar
 VPO Matri, Karala, Delhi-81
 (Applicant for Primary
 Teacher Post Code 1/18) ...Applicants

(By Advocate: Shri Yogesh Kumar Mahur)

Versus

1. Govt. of NCT of Delhi
 Through its Chief Secretary
 A-Wing, 5th Floor
 Delhi Secretariat, I.P. Estate
 New Delhi.
2. Union of India through its Secretary
 Ministry of Human Resource Development
 Shastri Bhawan, New Delhi.

3. Delhi Subordinate Services Selection Board(DSSSB) through its Chairman
FC-18, Karkardooma Institutional Area
Delhi-92.
4. The Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat Building, Civil Lines
Delhi-110054.
5. Central Board of Secondary Education
Though its Chairperson
'Shiksha Kendra', 2, Community Centre
Preet Vihar, New Delhi-110092. ...Respondents

(By Advocate: Ms. Harvinder Oberoi, Additional Standing Counsel)

OA No. 3157/2018

Mansi Mittal, Group 'B' Teacher
Aged about 24 years
D/o Sanjay Mittal
R/o 4276/4, Jai Mata Market
Tri Nagar, Delhi-110035. ...Applicant

(By Advocate: Shri Yogesh Kumar Mahur)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
A-Wing, 5th Floor
Delhi Secretariat, I.P. Estate
New Delhi.
2. Union of India through its Secretary
Ministry of Human Resource Development
Shastri Bhawan, New Delhi.
3. Delhi Subordinate Services Selection Board(DSSSB) through its Chairman
FC-18, Karkardooma Institutional Area
Delhi-92.

4. The Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat Building, Civil Lines
Delhi-110054.
5. Central Board of Secondary Education
Through its Chairperson
'Shiksha Kendra', 2, Community Centre
Preet Vihar, New Delhi-110092. ...Respondents

(By Advocate: Shri Kumar Onkareshwar)

OA No. 3213/2018

Manita Solanki (Aged about 31 years)
D/o Sh. Dalbir Singh
R/o House No. 20C, Matiala Village Group 'B'
Uttam Nagar
New Delhi-110059(Non-CTET). ...Applicant

(By Advocate: Shri R.K. Shukla)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
A-Wing, 5th Floor
Delhi Secretariat, I.P. Estate
New Delhi.
2. Union of India through its Secretary
Ministry of Human Resource Development
Shastri Bhawan, New Delhi.
3. Delhi Subordinate Services Selection
Board(DSSSB) through its Chairman
FC-18, Karkardooma Institutional Area
Delhi-92.
4. The Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat Building, Civil Lines
Delhi-110054.

5. Central Board of Secondary Education
Through its Chairperson
'Shiksha Kendra', 2, Community Centre
Preet Vihar, New Delhi-110092. ...Respondents

(By Advocate: Ms. Harvinder Oberoi, Addl. Standing Counsel)

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 T.D. yadav, Shri J.S. Mann, Shri Yashpal Rangi, Shri R.K. Shukla, Shri Varun Singh and Shri Yogesh Kumar Mahur learned counsel for the applicants in respective OAs and Ms. Harvinder Oberoi, Additional Standing Counsel, Shri Anuj Kumar Sharma, Shri

Jagdish N., Ms. Esha Mazumdar, Shri D.K. Singh for Ms. Purnima Maheshwari and Shri Kumar Onkareshwar, 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. It is brought to our notice that in W.P. (C) No. 11474/2018 of Hon'ble Delhi High Court stayed the operation of the order in O.A of this category. A copy of

same forms part of this record. We, therefore, dispose of these OAs directing that:

(a) In case the applicants herein have not appeared in any examination they shall not be entitled to appear on the basis of the interim order passed in the O.A, in view of the order passed by the Delhi High Court in W.P. (C) No. 11474/2018.

(b) Wherever, the applicants have already appeared in any examination, the respondents shall proceed to declare results of the examination which was held in pursuance of the impugned notification/advertisement.

(c) 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.

(d) 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.

(e) 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.

(f) further steps shall be taken by the respondents as regards the applicants only after the Hon'ble Court decides the issue and shall pass a reasoned order, on the basis of the notice and reply, if any.

(g) 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.

7. All the pending MAs stand disposed of.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/