

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

O.A.No.3043/2017

Thursday, this the 12th day of July, 2018

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

1. Indu Rani (UR)
DOB 19.11.1985
d/o Sh. Jai Kishan
w/o Sh. Hemkant Chhillar
r/o 57, Vill Garhi Randhala
PO Nizampur, Delhi-81

2. Sangeeta (OBC)
DOB 8.8.1984
d/o Sh. Bhim Singh Rana
w/o sh. Sandeep
r/o 1759, Panna Mamurpur
Narela, Delhi-40

3. Pooja (UR)
DOB 1.1.1987
d/o Sh. Joginder Singh
w/o Sh. Deepak Dhankhar
r/o VPO Sanghi
Distt. Rohtak, Haryana

4. Rooman (OBC)
DOB 22.4.1984
d/o Sh. Raj Pal Singh
w/o Sh. Kapil Kadian
r/o 1426 Gali No.5-B
Swatantra Nagar
Narela, Delhi-40

5. Sunil Kumar (UR)
DOB 13.7.1987
s/o Sh. Jagdish Prasad
r/o 288-A, Pocket C-2
Mayur Vihar-III, Delhi

6. Sheetal (OBC)
DOB 26.2.1984
d/o Sh. Raj Pal
w/o Sh. Rakesh
r/o C-49, Vandana Vihar
New Delhi - 46

..Applicants
(Mr. Ramesh Shukla, Advocate for Mr. Anil Singhal, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Secretariat,
IP Estate, New Delhi
2. Delhi Subordinate Services Selection Board
Through its Chairman
FC-18, Institutional Area
Karkardooma, Delhi – 92
3. South MCD
Through its Commissioner
Dr. SPM Civic Centre
JLN Marg, New Delhi

..Respondents

(Mr. Pradeep Singh Tomar, Advocate for Ms. Sangita Rai, Advocate for respondent Nos.1 & 2 –
Mr. R K Jain, Advocate for respondent No.3)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

The Delhi Subordinate Services Selection Board (DSSSB) – respondent No.2 brought out Annexure A-1 Advertisement No.02/17 dated 07.08.2017 inviting applications for various posts, including that of Primary Teacher. These applicants had intended to participate in the selection process pursuant to the *ibid* Advertisement. However, they could not do so, as they were apparently over-age in view of the fact that the maximum age limit prescribed in the Advertisement for the post of Primary Teacher was 30 years. As a result, they filed instant O.A. praying for the following reliefs:-

“A) To call for the records relating to the case and quash and set aside the Recruitment Advertisement No.02/17 dt. 7.8.2017 to the extent that for 4366 vacancies of Primary Teacher in MCD Post Code No.16/17, the required age limit has been prescribed as not exceeding 30 years as on 15.9.2017.

B) To direct the respondents to notify 4366 vacancies of Primary Teacher in MCD bifurcated year-wise from 2011 to 2017.

C) To direct the respondents to prescribe eligibility conditions for the vacancies for the vacancy year 2011 to 2017 making it year-wise like 15.9.2011, 15.9.2012 and 15.9.2013 and so on for vacancies of Primary Teacher pertaining to vacancy years 2011 to 2017 respectively.

D) Declare non-holding of recruitment every year for the vacancies of that year, non-holding of year-wise recruitment for year-wise vacancies providing year-wise eligibility for the post of Primary Teachers in MCD is in violation of Judgment dt. 20.12.2001 in WP No.1611/01, Judgment dt. 6.2.2013 in WP No.3397/12 and Order dt. 5.11.2015.

E) To direct the respondents to hold the examination for the vacancies of Primary Teacher in MCD after complying with the directions prayed for in Para 8 (B-C).

F) To direct the respondents to appoint the applicant as Primary Teacher in MCD against the vacancies of the vacancy years for which they are eligible and if finally selected.”

2. Mr. Pradeep Singh Tomar, appeared as proxy for Ms. Sangita Rai, learned counsel for respondent Nos. 1 & 2, today placed on record an order dated 27.12.2017 of DSSSB (respondent No.2), which reads as under:-

“Order

In light of report of Crime Branch of Delhi Police regarding the exam for the post of Primary Teachers in MCD, Post Code 16/17 conducted by DSSSB on 29/10/2017, Hon’ble Lt. Governor of Delhi has approved cancellation of examination. Further, the Exam is required to be conducted afresh.

This issues with the approval of the competent authority.”

3. In view of the aforementioned order of DSSSB, we find that the cause of action has simply vanished. As such, we do not find it

necessary to keep this O.A. alive. Accordingly, we order closure of the proceedings in this O.A. with a liberty to the applicants to seek its revival at the appropriate time. No costs.

(S.N. Terdal)
Member (J)

July 12, 2018
/sunil/

(K.N. Shrivastava)
Member (A)