

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.3216 of 2017

This the 27th day of March, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

1. Manju
D/o Sh. Yash Pal
R/o 23, Near Railway Underpass,
Badli, Delhi – 110042.

Aged about 37 years

2. Monika
d/o Sh. Rajender Kumar
W/o Sh. Adarsh Kumar,
r/o H.No.515/8, Adarsh Nagar,
Sonipat Near Sain Adarsh Modern School,

Aged about 35 years

3. Sunita
D/o Sh. Krishan
R/o H.No. C-98, Nanesh Enclave,
Jain Colony, Barwala, Delhi-110039

Aged about 38 years

4. Preeti
D/o Sh. Raj Singh,
r/o H.No. 397, New Kanjhawal Link Road,
Market Mangol Pur Kalan, Delhi-110085.

Aged about 34 years

5. Anshu
D/o Sh. Balwan Singh,
R/o H.No.47, VPO Siraspur, Delhi-110042.

Aged about 33 years

(Candidates for the post of Teacher (Primary) in MCD)
....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, Dr. S.P.M. Civic Centre,
JLN Marg, New Delhi-110002.
4. North Delhi Municipal Corporation,
Through its Commissioner,
4th Floor, Dr. S.P.M. Civic Centre,
JLN Marg, New Delhi-110002.
5. East Delhi Municipal Corporation,
Through its Commissioner,
419, IIInd Floor, Udyog Sadan,
Industrial Area, Patparganj,
Delhi-110092.
6. Lieutenant Governor of Delhi,
Raj Niwas, Rajpur Road,
Delhi.

.....Respondents

(By Advocate : Shri Sangeeta Rai for R-1, 2 and 6, Ms. Punam Singh for R-5 and Shri Surinder Singh for SDMC)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

Heard learned counsel for the parties.

2. By filing this OA, the applicants are seeking the following reliefs:-

“a) Direct the respondents to grant appropriate age relaxation to the applicants towards Post Code 16/17; post of Teacher (Primary)

- b) Hold and declare that the age relaxation benefit of 10 years is available to all female Teachers in terms of the decision taken by the Lieutenant Governor of Delhi which was notified on 01.11.1980, over and above caste based age relaxation and
- c) Direct the respondents to not to reject the candidatures of the applicants towards the post of Teacher (Primary) on the grounds of their being over age.
- d) Further consider and appoint the applicants in accordance with their merit positions.
- e) Accord all consequential benefits
- f) Award costs of the proceedings; and
- g) Pass any other order/direction, which this Hon'ble Tribunal deem fit and proper in favour of the applicants and against the respondent in the facts and circumstances of the case."

3. During the course of hearing, learned counsel for the respondents produced a copy of the judgment of the Hon'ble Delhi High Court in the cases of WP (C) No.7240, 7244, 7250 and 7288 of 2017 decided on 23.8.2017 and contended that this case is squarely covered by the said decision.

4. We have perused the said judgment of the Hon'ble Delhi High Court and found that the applicants herein have also based their claim for age relaxation benefit of 10 years to all female Teachers in terms of the decision taken by the Lieutenant Governor of Delhi, which was notified on 01.11.1980, was considered by the Hon'ble Delhi High Court and in para 18 of the said judgment observed as under:-

“18. The relaxation granted to women candidates by the Hon’ble Lt. Governor vide notification dated 01.11.1980 in exercise of powers under Rules 43 of the Delhi School Education Rules was granted when the preexisting rules were in force. With the enforcement of the amended Rules of 2011 in respect of recruitment of PETs, in our view, it could not be said that the said relaxation continued when the amended Recruitment Rules, in no uncertain terms place an upper age limit of “not exceeding 30 years” and neither the Rules of 2011, nor the DoPT instructions/guidelines provide any age relaxation to women candidates.”

5. In view of the above facts and circumstances of this case, we are of the considered view that the present case is squarely covered by the aforesaid judgment of the Hon’ble Delhi High Court in W.P. (C) No.7240/2017 and other connected cases dated 23.8.2017. As such we do not find any merit in this case and the same is accordingly dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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