

# Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2729/2014

Thursday, this the 12<sup>th</sup> day of September 2019

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

1. Kishore Nath Jha, age 32 years  
s/o Sh. Vibhooti Nath Jha  
r/o Vill Kolikhaha, Post Manigachi  
Darbhanga, Bihar – 847422
2. Yogendra Kumar, age 31 years  
s/o Dr. Arbind Kumar  
r/o Phulwari Gali, Warisaliganj  
Nawada, Bihar – 805130
3. Om Prakash, age 32 years  
s/o late Kameshwar Singh  
c/o Dr. Jamuna Prasad  
Nil Niwas, Chandmari Road  
Gali No.8, Patna, Bihar
4. Shamsheer Singh, age 31 years  
s/o Sh. Baru Ram  
r/o VPO Frain Khurd  
Teh. Narwana, District Jind  
Haryana

..Applicants

(Mr. Sachin Chauhan, Advocate)

Versus

1. Govt. of NCTD through the Chief Secretary  
Govt. of NCTD,  
Nava Sachivalya IP Estate, New Delhi
2. The Secretary  
DSSSB  
FC-18, Institutional Area  
Karkardooma  
(Near Railway Reservation Centre)  
New Delhi – 110 092
3. The Dy. Secretary (CC-I)  
DSSSB, Govt. of NCT of Delhi  
FC-18, Institutional Area  
Karkardooma, Delhi – 110 032

4. Directorate of Education  
Through its Director  
Govt. of NCTD  
Directorate of Education  
Old Secretariat  
Delhi – 110 054

..Respondents  
(*Nemo* for respondent No.1, Ms. Esha Majumdar, Advocate for respondent Nos. 2 & 3 and Mr. Vijay Pandita, Advocate for respondent No.4)

### **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicants took part in the selection process, undertaken for appointment to the post of Special Education Teacher in Delhi Administration. It is stated that though they secured fairly good marks, they were not selected on the ground that they crossed the age limit. The applicants contend that there are quite large number of posts lying vacant on account of non-availability of candidates and taking the same into account, the respondents have also issued an addendum dated 26.03.2013, relaxing the age limits in favour of the candidates, who worked in the Sarva Shiksha Abhiyan (SSA) as resource persons to the extent of the service and by 10 years, in case of women candidates. The applicants contend that as they worked as resource persons under SSA, they are entitled for the benefit of relaxation.

2. The respondents filed a counter affidavit opposing the O.A. It is stated that the benefit of relaxation to the extent of service rendered as resource person under SSA would have

been available to the applicants, had they worked in Delhi, and since they worked elsewhere, they are not entitled for the same. Other contentions urged by the parties are denied.

3. We heard Mr. Sachin Chauhan, learned counsel for applicants, Ms. Esha Majumdar, learned counsel for respondent Nos. 2 & 3 and Mr. Vijay Pandita, learned counsel for respondent No.4, at length. There is no representation on behalf of respondent No.1.

4. The denial of consideration of candidature of the applicants is only on the ground that they crossed the age limit. It is a matter of record that through an addendum dated 26.03.2013, the respondents provided a general age relaxation to the extent of 10 years in favour of women candidates and relaxation to the extent of service rendered, as resource person in SSA. There is a serious dispute as to whether the applicants can be extended the benefit of relaxation as resource person under SSA.

5. Fortunately for the applicants, an important development has taken place in the recent past. In its judgment dated 02.07.2019 in W.P. (C) No.1200/2016, the Hon'ble High Court of Delhi directed that the relaxation of age limit be extended to male candidates also, on par with women candidates for the recruitment in question. The Directorate of Education, in turn, issued order dated

02.09.2019 with the approval of Lt. Governor, providing for such relaxation.

6. In view of these developments, we dispose of the O.A. directing the respondents to examine and consider the case of the applicants, in terms of the order dated 02.09.2019 passed by the Directorate of Education and to pass appropriate orders within six weeks from the date of receipt of a copy of this order. In the event of applicants being selected and appointed, they shall be given seniority only from the date of appointment and not earlier thereto, as directed by the Hon'ble High Court in W.P. (C) No.1200/2016.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

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

**September 12, 2019**

/sunil/