

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

O.A. No.2912/2019

Thursday, this the 3<sup>rd</sup> day of October 2019

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

Kumari Meena Sinha w/o Sh. Manoj Kumar Sinha  
Aged 39 years  
Recruitment / (EVGC) / (F) / Gp B  
r/o J-60, Sec. 22, Noida, UP 201301

..Applicant

(Mr. U Srivastava, Advocate)

Versus

1. Govt. of NCT of Delhi through its Chief Secretary  
A Wing, 5<sup>th</sup> Floor, Delhi Secretariat, IP Estate  
New Delhi
2. Delhi Subordinate Service Selection Board (DSSSB)  
Through its Chairman, FC-18, Karkardooma  
Institutional Area, Delhi-92
3. The Directorate of Education through its Director  
Govt. of NCT of Delhi, Old Secretariat, Delhi

..Respondents

(Ms. Esha Majumdar, Advocate)

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

**Justice L. Narasimha Reddy:**

The applicant responded to a notification issued by the Delhi Administration for appointment to the post of Educational and Vocational Guidance Counselor (EVGC) (Female), with Post Code No.149/17. Earlier, she approached before this Tribunal by filing O.A. No.1584/2019 when her case

was not being considered on the ground that she crossed the age limit. The O.A. was disposed of on 21.05.2019 directing the respondents to consider the representations dated 02.04.2019 and 24.04.2019 submitted by the applicant. Through an order dated 02.08.2019, the respondents refused to relax the maximum age limit for the applicant. The same is challenged in this O.A.

2. The applicant contends that a general decision was taken by the Delhi Administration in the year 1980, providing relaxation to the extent of 10 years, in favour of female candidates, and that the same was not extended to her. It is also stated that in the case of certain categories of teachers, the Hon'ble High Court of Delhi relaxed the stipulation as to age.

3. We heard Mr. U Srivastava, learned counsel for applicant and Ms. Esha Majumdar, learned counsel for respondents.

4. It is not in dispute that the maximum age stipulated under notification is 30 years and that the applicant was 39 years, 21 days as on the closing date of applications. The notification did contain a clause providing for relaxation. However, it was in favour of Guest Teachers, who were engaged under the *Sarva Shiksha Abhiyan*, subject to the ceiling of 5 years. The applicant did not place any proof that she worked as Guest Teacher. Even if she were to have worked in that capacity,

the relaxation is only up to 5 years. The applicant needed relaxation to the extent of 9 years, 21 days.

5. Reliance is placed upon the notification dated 01.11.1980 issued by the Delhi Administration, providing for relaxation of age limit to women employees to the extent of 10 years. That, however, was at a time when the Recruitment Rules were not framed.

6. Recently, the Hon'ble High Court of Delhi had an occasion to deal with the very notification issued on 01.11.1980. In W.P. (C) No.7240/2017 and batch – **Raj Bala & another v. Govt. of NCT of Delhi & others**, their Lordships held as under:-

“17. The submission of learned counsel for the petitioners that there was no conscious decision taken to do away with the age relaxation granted vide notification dated 01.11.1980, after the making of the Rules of 2011, also has no merit. This is for the reason that the Rules of 2011 have been made by the Hon'ble Lt. Governor of NCT of Delhi himself in exercise of powers conferred by proviso to Article 309 of the Constitution of India. There is a presumption of validity attached to official acts, and it was for the petitioners to rebut the same by producing cogent material. The petitioners, apart from claiming that there was no conscious decision taken by the Hon'ble Lt. Governor, not to apply the notification dated 01.11.1980 in respect of recruitment of PETs under the Rules of 2011, has not produced any material in support of the said plea. On the other hand, the respondents, in their counter affidavit before the Tribunal have specifically averred that while amending the recruitment rules for PET, vide Rules of 2011, the notification dated 01.11.1980 had been taken into account and that the Recruitment Rules for PET had been amended in consultation with the UPSC and that they were as per the DoPT norms.

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 pre-existing 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."

Therefore, the applicant cannot claim the relaxation under the 1980 notification.

7. It is true that in respect of some Special Education Teachers, the Hon'ble High Court extended the benefit of age relaxation on the sole ground that qualified candidates were not available and many posts were lying vacant. Such is not the case here.

8. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

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

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

**October 3, 2019**  
**/sunil/**