

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

O.A. No.3018 of 2019

Monday, this 14th Day of October, 2019

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

1. Archana Rani
Aged 32 Y 6 M
Group B
DOB 15-04-1987,
Post Code 15/19
For post Assistant Teacher (Primary)
UR
W/o Ronnie Bansal,
D/o Naresh Kumar
R/o H.No.557, Bakhtawarpur,
Delhi-110036
2. Nisha Gautam
Aged 37 Y 6 M
Group B
DOB 12-04-1982,
Post Code 15/19
For post Assistant Teacher (Primary)
SC
W/o Umesh, D/o K P Singh,
R/o H.No. 1/4432, Ram Nagar Extn.
Mandoli Road, Near Ambedkar Gate
Shahdara, Delhi-110032.
3. Pooja Rani
Aged 33 Y 8 M
Group B
DOB 09-02-1986,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o Pawan Kumar, W/o Rajeev,
R/o RZ 110A, B Block Phase-III,
Gali No.7, Prem Nagar, Najafgarh
New Delhi -110043

4. Jyoti Sharma
Aged 33 Y 3 M
Group B
DOB 18-06-1986,
For post Assistant Teacher (Primary)
Post Code 15/19
UR
W/o Narender Singh,
D/o Suresh Chand,
R/o H.No.D-306, Ext-2D, Nangloi
Delhi-41
5. Bindu Dash
Aged 33 Y 11 M
Group B
DOB 29-10-1986,
For post Assistant Teacher (Primary)
Post Code 15/19
UR
W/o Ajay Rishi,
D/o Murlidhar
R/o H.No.-8/129, Old Roshanpura,
Najafgarh, New Delhi-110043.
6. Seema Nager
Aged 34 11 M
Group B
DOB 18-10-1984,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o B N Nagar,
R/o H.No.88 Garhi
East of Kailash Delhi.
7. Anshu Rani
Aged 32 Y 0 M
Group B
DOB 07-10-1987,
For post Assistant Teacher (Primary)
Post Code 15/19
UR
D/o Vijender Kumar,
R/o H.No.1/5528-B
Street No.16, Balbir Nagar Extn.
Shahadra, Delhi.

8. Karuna Chak
Aged 37 Y 0 M
Group B
DOB 09-10-1982,
For post Assistant Teacher (Primary)
Post Code 15/19
SC
D/o Suresh Chandra
R/o H.No.311, 312 L-Extn,
Mohan Garden Uttam Nagar.
New Delhi-110059.
9. Rita
Aged 36Y 9 M
Group B
DOB 08-01-1983,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
W/o Satpal Dagar,
D/o Raj Singh
R/o H.No. 43, Bindapur,
Village Uttam Nagar,
New Delhi-110059.
10. Sheetal
Aged 37 Y 8 M
Group B
DOB 26-01-1982,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o Priyavart,
R/o Ladpur Pauliwala Pana
Near Chaupal
Delhi-110081
11. Shikha
Aged 39 Y 5 M
Group B
DOB 13-05-1980,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o Sewa Ram,

R/o E-19/26, Sec. 3, Rohini,
Raj Pura Kalan, Delhi-110085

12. Manju Balai
Aged 35 Y 5 M
Group B
DOB 06-05-1984,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o Sukhbir Singh,
R/o H No. 27, VPO Kakrola,
New Delhi-110078
13. Charu Kandhari
Aged 32 Y 9 M
Group B
DOB 06-01-1987,
For post Assistant Teacher (Primary)
Post Code 15/19
UR
D/o Shyam Lal Kandhari,
R/o WZ-1976, 3rd Floor,
Rani Bagh, Delhi-110034.
14. Poonam Patwal
Aged 37 Y 5 M
Group B
DOB 27-04-1982,
For post Assistant Teacher (Primary)
Post Code 15/19
UR
D/o P.S. Pawal,
R/o C-7/75, Yamuna Vihar,
Delhi-110053
15. Mamta
Aged 35 Y 10 M
Group B
DOB 28-11-1983,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o S.S. Azad
R/o H.No.88, Near Sisodiya Chaupal, Vill & P.O. Bakhtawar Pur,
Delhi-110036.

16. Ruksana Parveen
Aged 39 Y 5 M
Group B
DOB 04-05-1980,
For post Assistant Teacher (Primary)
Post Code 15/19
UR
D/o Shaukat Alikhan,
R/o A-1, UGF, H.No. 595/1,
Near Sani Bazaar, Police Chauki,
Devli Village, New Delhi-110080.
17. Meenakshi Rathor
Aged 35 Y 9 M
Group B
DOB 02-01-1984,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o Om Parkash Rathore,
R/o F-6/332, Sultan Puri, Delhi-11086.
18. Poonam
Aged 33 Y 7 M
Group B
DOB 28-02-1986,
For post Assistant Teacher (Primary)
Post Code 15/19
UR
D/o Premdutt,
R/o E-115, Krishan Vihar,
Delhi-110086.
19. Geeta Yadav
Aged 33 Y 3 M
Group B
DOB 06-07-1986,
For post Assistant Teacher (Primary)
Post Code 15/19
OBC
D/o Krishan Kumar,
R/o A2-74/2, Gali No.9, East Sagar Pur,
New Delhi-110046
20. Geeta Yadav
Aged 34 Y20 M

Group B
 DOB 07-08-1985,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 OBC
 D/o Deshraj,
 R/o 102, Afria Bagdi, Sadhaka Patt,
 Khaira Village South West, Delhi-110043.

21. Sapna Jain
 Aged 32 Y 7 M
 Group B
 DOB 06-03-1987,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 UR
 D/o Ram Phal Jain,
 R/o D-1/30 Phase-I, Budh Vihar, Delhi-86.
22. Reena
 Aged 30 Y 1 M
 Group B
 DOB 08-08-1989,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 UR
 D/o Shri Bhagwan,
 R/o H.No.249. Village Mundhela Khurd,
 P.O. Ujwa, New Delhi-110073.
23. Priya Prashar
 Aged 33 Y 4 M
 Group B
 DOB 18-05-1986,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 UR
 D/o Rajinder Kumar,
 Prashar, R/o H.No. 6, Old Roshan Pura,
 Najafgarh, Delhi-110086.
24. Sharda
 Aged 32 Y 3 M
 Group B
 DOB 08-06-1987,
 For post Assistant Teacher (Primary)

Post Code 15/19
 UR
 D/o Om Prakash Sharma,
 R/o H.No. 94, Old Chaupal Chowk, Village
 Samaspur Khalsa, New Delhi-110073.

25. Poonam Sharma
 Aged 33 Y 8 M
 Group B
 DOB 08-02-1986,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 UR
 D/o Om Parkash Sharma,
 R/o A/72B Vijay Vihar Phase II,
 Sector 4 Rohini, Delhi.
26. Siksha Devi
 Aged 37 Y 0 M
 Group B
 DOB 02-10-1982,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 UR
 D/o Dharam Singh,
 R/o Village Rathiwas, Post Sidhralwali,
 Distt. Gurugram, Haryana-122413
27. Hemlata Yadav
 Aged 36 Y 2 M
 Group B
 DOB 10-08-1982,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 OBC
 D/o Dillip Singh Yadav,
 R/o A-99, Duggal Colony, Khanpur, New Delhi-80
28. Rajnii
 Aged 34 Y 8 M
 Group B
 DOB 03-02-1985,
 For post Assistant Teacher (Primary)
 Post Code 15/19
 UR
 D/o Madan Lal Batra,

R/o L-17, B, Malvia Nagar, New Delhi-110017

.....Applicants

(Mr J S. Mann, Advocate)

Versus

1. Govt. of N.C.T. of Delhi
Through the Chief Secretary,
5th Floor, Delhi Sachivalaya, New Delhi.

2. Delhi Subordinate Services Selection Board,
Through its Chairman, GNCTD
F-18, Karkardooma, Institutional Area, Delhi-92

3. Director of Education, Dte of Education
Govt of NCT of Delhi, Civil Lines, Delhi-54.

.....Respondents

(Ms Esha Mazumdar, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The Delhi Administration issued advertisement No.3/19 for selection and appointment of Teacher of various categories, including the post of Assistant Teacher (Primary), with Post Code No. 15/19. The applicant intended to apply for the same. The age limit stipulated in the advertisement is 30 years. The applicant crossed the age limit. The O.A is filed challenging the very stipulation and non extension of benefit of relaxation of age limit, in terms of circular dated 01.11.1980.

2. The applicant contends that as a uniform policy, the Delhi Administration has issued a circular dated 01.11.1980 providing for

relaxation of age limit to women candidates by 10 years and respondents have not extended the relaxation benefit.

3. We heard Mr. J.S.Mann, learned counsel for the applicants and Ms Esha Majumdar, learned counsel for the respondents, at the stage of admission.

4. It is no doubt true that Circular dated 01.11.1980 providing for relaxation of age limit by 10 years in favour of women candidates was issued. The fact, however, remains that Hon'ble High Court of Delhi, in its judgment dated 23.08.2017 in WP(C) No.7240/2017 and batch, has taken a view that once the Delhi Government has framed the Recruitment Rules for the various categories of teachers, the Circular dated 01.11.1980 has no relevance. Relevant para 8 of the judgment reads as under :

“8. The respondents filed their counter-affidavit before the tribunal. The stand taken by the respondents, in substance, was that the Rules of 2011 were the amended rules in respect of the post of PET. On the recommendation of the 6th CPC, the posts of teachers-including that of PET, were upgraded from Group-C to Group-B by the DoPT. Under the DoPT, there is no notification or norm for granting age relaxation to women candidates. The argument of the respondent was that in view of the changed scenario, namely, the enforcement of Rules 2011 and upgradation of the post from Group-C to Group-B, the notification dated 01.11.1980 - which had been issued during the subsistence of the earlier recruitment rules for teachers, could not be applied since the upper age limit had specifically been prescribed as "not exceeding 30 years", and there was no provision in the recruitment rules themselves, vesting power for the age relaxation in respect of women candidates. Wherever age relaxation was intended, was granted either in the Rules of 2011 for the Govt. Servants - upto 5 years, or by the DoPT guidelines/ instructions, such as for the SC/ST; OBC; and; ex servicemen category.”

5. Learned counsel for the applicants submitted that the circular is independent of any Service Rules. Once the Hon'ble High court has taken a definite view, we cannot interpret the circular dated 01.11.1980 once again, and take a different view.

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

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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