

**Central Administrative Tribunal
Principal Bench**

OA No.3529/2019



New Delhi, this the 6th day of December, 2019

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

Anju Gehlawat, Age 34 years,
D/o Sh. Subhash Chander Gehlawat,
R/o House no.47,
Village & Post office Singhu,
Delhi-1100 40.

Aged About 34 Yrs, OBC Category
(Assistant Teacher Nursery vide Advt No.2/17 &
4/17, Post code 88/17)

...Applicant

(By Advocate : Shri Yogesh Kumar Mahur)

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 Dy. Secretary,
FC-18, Karkardooma Institutional Area,
Delhi-92.
3. Delhi Subordinate Services Selection Board
(DSSSB),
Through its Chairman,
FC-18, Karkardooma Institutional Area,
Delhi-92.
4. The Director of Education,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat Building,
Civil Lines, Delhi-110054.

...Respondents

(By Advocate : Ms. Esha Mazumdar)



ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The GNCTD, through Delhi Subordinate Services Selection Board (DSSSB), undertakes steps for appointment of teachers year after year. An advertisement was issued on 07.08.2017, inviting applications for various categories of posts. The applicant responded for the post of Assistant Teacher Nursery. However, through a notice dated 24.08.2017 that advertisement was sought to be withdrawn. Legal proceedings ensued in that behalf. The issue was taken up in contempt case No.1133/2016 by the Hon'ble High Court of Delhi. Through a detailed judgment dated 11.12.2017, it directed that a fresh advertisement be issued on 20.12.2017. The manner in which subsequent steps shall be taken, was also indicated. It is stated that the advertisement was issued on 20.12.2017 and the applicant also submitted a fresh form in response thereto. However, she crossed the age limit by the time the said advertisement was issued.



2. Earlier, quite large number of OAs were filed in relation to the eligibility of the candidates to apply. The batch of OAs was disposed of on 23.10.2018, directing the respondents to declare the results and to decide the eligibility of the candidates who are qualified in the examination. Opportunity was also given to the candidates who are not found to be qualified, to make a representation.

3. After the results were declared, the applicant was found to be qualified, however, she was not considered for selection on the ground of age limit. In response to the representation made by her, the DSSSB passed an order dated 04.11.2019, stating that the applicant has crossed the age limit and that her candidature cannot be considered. The same is challenged in this OA.

4. The principal ground urged by the applicant is that she was within the age limit as on the date of original notification i.e. 07.08.2017, and it is only on account of the issuance of subsequent notification, that she crossed the age limit.



5. We heard Shri Yogesh Kumar Mahur, learned counsel for applicant and Ms. Esha Mazumdar, learned counsel for respondents.

6. It is not in dispute that the applicant crossed the age limit by one month and 23 days. The circumstances under which the earlier notification dated 07.08.2017 was cancelled, are not immediately before us. The fact remains that the Hon'ble High Court of Delhi directed that a fresh advertisement calling for applications from eligible candidates be issued on 20.12.2017 and fixed the dates for subsequent events also. The relevant portion of the order reads as under :-

“(i) A fresh advertisement calling for applications from the eligible candidates will be issued by 20.12.2017;

(ii) Applications so invited shall be received latest by 31.1.2018;

(iii) Processing of applications, arrangements for conduct of written test, final selection and drawl of panel would be completed by 31.8.2018;

(iv) Panel shall be declared and communicated to the Directorate of Education of GNCT of Delhi by 15.9.2018;

(v) A waiting list shall also be created in terms of the directions given on 11.4.2017.

It is further directed that on the receipt of such panel, offer of appointment shall be issued, action for medical and police verification for the selected candidates



initiated and posting order issued by the Directorate of Education on or before 31.10.2018. 'The Social Jurist's Application' (CM 32143/2017) stands disposed off in the said terms."

7. It is in compliance with these directions, that a notification was issued and the applicant responded to that. Once a fresh notification is issued, advertisement dated 07.08.2017 loses its relevance. At any rate, if any relief in this behalf is to be granted, it would be only by the Hon'ble High Court and not by the Tribunal.

⁸ We therefore dismiss the OA

There shall be no orders as to costs

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

‘rk’