

**Central Administrative Tribunal
Principal Bench**

OA No.194/2015

Order Reserved on :23.10.2019

Pronounced on:14.11.2019

Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. Ashish Kalia, Member (J)

Subhash Chander
S/o Om Prakash
H.No.712, Parwa Panna
Village & Post Office Karala
New Delhi-110081.

.. Applicant

(By Advocate : Ms. Amita Singh Kalkal)

Versus

1. Govt. of NCT
Through its Chief Secretary
Department of Education
Old Secretariat, Delhi.
2. Delhi Subordinate Service Selection Board
Through its Secretary
UTCS Building, Vishawas Nagar
Shadara, Delhi-110032.
3. South Municipal Corporation of Delhi
Dr. S.P.M. Civic Centre,
Minto Road, Delhi.
4. Department of Personnel & Training
Through Secretary
North Block, New Delhi-110001.

.. Respondents

(By Advocate : Ms. Ritika Chawla)

ORDER**Mr. Ashish Kalia, Member (J):**

The applicant is seeking age relaxation in terms of OM dated 12.01.1987 issued by Government of India, whereby age relaxation of 05 years is granted to meritorious sports person.

2. The applicant is a sports person having specialization in the sports of Netball and have participated and represented for the State of Delhi in various State Level and also at National Level sports events and tournaments. The certificate of honour in favour of the applicant for being runner up in the 27th Senior National Netball championship was issued by the Delhi Netball association.

3. The respondents published an advertisement No.04/09 dated 29.01.2009 inviting applications for the post of Primary Teachers under post code No.70/2009. The applicant applied for the said post under OBC category. Written examination was held on 02.02.2014. An admit card was issued to the applicant. He has secured 74.5% marks and his name appeared at serial no.712 in the rejection list. The applicant is seeking age relaxation in both the categories, i.e., 03 years in

OBC category and 05 years in the sports category. The same has not been acceded to and his case for relaxation is also not considered in terms of the aforesaid OM.

4. Feeling aggrieved, the applicant has filed the instant OA.

5. Notices were issued to the respondents who have filed their reply wherein they have submitted a merit list of 2904 candidates in respect of Primary Teacher which was uploaded on the Board's website vide notice dated 08.07.2014. Subsequently, a supplementary list of 15 candidates was also issued on 20.08.2014. Since no post was reserved under sports person category by the indenting department, MCD, therefore the candidature of the applicant was rejected even after giving due relaxation under OBC category.

6. Heard learned counsel for the parties at length and appreciated the legal position.

7. The short question raised by the applicant in the present OA is that he is entitled for age relaxation in sports category being a sportsperson having specialization in the sports of Netball having participated and represented for the State of

Delhi in various State Level and also at National level sports events & tournament. In this regard, Annexure P-9 DoPT OM dated 28.12.1972 where the following categories have been included to be eligible for age relaxation:

“(a) Appointments under these orders can be made of a sportsmen considered meritorious with reference to the following criteria :-

(i) Sportsmen who have represented a State or the country in the National or International competition in any of the games/sports mentioned in the list at Annexure 'A'.

(ii) Sportsmen who have represented their University in the Inter-University Tournaments conducted by the Inter-University Sports Board in any of the sports/ game showing the list at Annexure 'A'.

(iii) Sportsmen who have represented the State Schools Teams in the National Sports/Games for schools conducted by the All India School Games Federation in any of the games/sports shown in the list of Annexure 'A'.

(iv) Sportsmen who have been awarded National Awards in Physical Efficiency under the National Physical Efficiency Drive.

(b) No such appointments can be made unless, the candidate is, in all respects, eligible for appointment to the post applied for, and in particular in regard to age, educational or experience, qualification prescribed under the Recruitment Rules applicable to the post, except to the extent to which relaxation thereof have been permitted in respect of class/category or persons to which the applicant belongs.”

8. The applicant falls under category (i). The learned counsel has also drawn our attention to page 72 of the paper-book where 43 games have been narrated where the age

relaxation benefits could be availed. Unfortunately, the game of the applicant, i.e., Netball is not included in the said list. Learned counsel for the applicant at this stage submitted at the Bar that the DoP&T may be directed to include the game (Netball) in the said list and give age relaxation.

9. We are not in agreement with the contention raised by the applicant's counsel that DoP&T OM as regards relaxation in age has been specified only for the 43 games and the applicant's specialized game Netball is not included therein. Thus, the applicant is not legally entitled to get any age relaxation, as prayed for in the OA.

10. In view of the above, the present OA is bereft of merit and the same is liable to be dismissed and is accordingly dismissed. No costs.

(Ashish Kalia)
Member (J)

(Pradeep Kumar)
Member (A)

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