

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.1377/2013 .

Order Reserved on: 16.07.2014

Order pronounced on 28-07-2014

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P.K.Basu, Member (A)

1. Mrs. Madhu Kumra (OMR No.139458)
W/o Mr. Nitin Chopra
WZ-330, 2nd Floor
Rishi Nagar, Rani Bagh
Delhi - 110 034.
2. Mrs. Meenu (OMR No.520519)
W/o Mr. Raj Kumar
H-21, Police Colony
Sarojini Nagar
New Delhi - 110 023.
3. Mrs. Jyoti (OMR No.133954)
W/o Mr. Naresh Malik
House No.3017/31
New Rajendra Colony
Bhiwani Road
Opposite Maida-Mill
Rohtak, Haryana: 124001. ... Applicants

(By Advocate: Shri Anuj Aggarwal for Shri Ashok Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB)
Through its Secretary
FC-18, Institutional Area
Karkardooma
Delhi - 110 092.

V. Anuj

2. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Secretariat
I.P.Estate
New Delhi - 110 002.
3. Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat Building
Civil Lines
Delhi - 110 054. ... Respondents

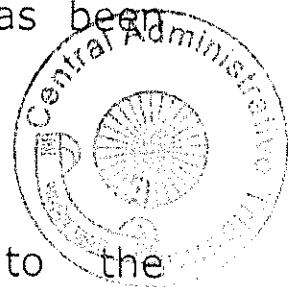
(By Advocate: Shri Amit Anand)

ORDER

By V. Ajay Kumar, Member (J):

The applicants [who are women and three in number], in pursuance of an Advertisement No.01/13 (Annexure A4), have applied for selection to the post of Special Education Teacher (Post Code No.01/13), as they are fully qualified and eligible for the same. However, as the respondents have not issued the Admit Cards to them, for the examination, on the ground that they are "under/overage", the present OA has been filed.

2. This Tribunal, while issuing notice to the respondents on 25.04.2013, directed the respondents to

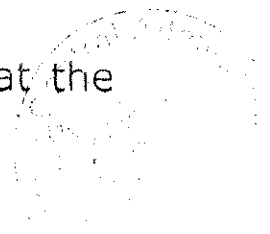


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permit the applicants, provisionally, to appear in the examination and to keep their results in a sealed cover until further orders.

3. The maximum age limit for the post of Special Education Teacher (Post Code No.1/13), as provided under the Advertisement No.1/13, and also as per the statutory Recruitment Rules, is 30 years. It was also provided in the Advertisement itself that age relaxation will be given as per note regarding age relaxation. The respondents vide Annexure A5 'Notice' dated 26.03.2013 informed to all the candidates for the Special Education Teacher posts that the Hon'ble Lt. Governor, Govt. of NCTD is pleased to relax the rules to the effect that the applicants who are working in SSA as Resource Persons for the children with special needs be granted age relaxation to the extent of number of years they have worked in the SSA, and the general age relaxation of 10 years in case of women candidates will also be applied. In the said Notice, it was further stated that "the OMR application forms will be available at the

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counter of DSSSB only and the last date of receipt of applications for these candidates shall be 01.04.2013 upto 5 P.M.”.

4. Shri Anuj Aggarwal, proxy of Shri Ashok Aggarwal, the learned counsel for the applicants, submits that the applicants are aged about 34, 36 and 31 years respectively and being women, are entitled for the general age relaxation of 10 years as provided under the Notice dated 26.03.2013 and hence, they are within the age limit, i.e., 40 years (maximum age limit of 30 years plus general age relaxation for women of 10 years), and accordingly, rejection of their applications, on the ground of overage, as they have not submitted fresh OMRs as per the Notice dated 26.03.2013, is unsustainable.

5. On the other hand, Shri Amit Anand, the learned counsel for the respondents, while not disputing the prescription of maximum age limit at 30 years, and providing general age relaxation of 10 years for women candidates, but would submit that the Notice dated

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26.03.2013, requires the candidates to submit OMR application forms which are made available at the counter of DSSSB upto 01.04.2013 at 5 PM, for claiming the age relaxations and since the applicants have not submitted the same within the said stipulated time, they are not entitled for the age relaxation provided under the said Notice.

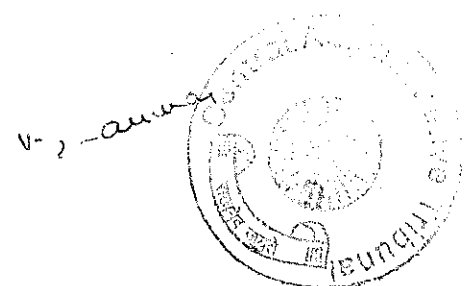
6. Heard both sides and have perused the pleadings on record.

7. The respondents under the Notice dated 26.03.2013, which is in the nature of addendum/corrigendum to the Advertisement No.1/13, provided two different types of age relaxations. One, for those who are working in SSA as Resource Persons to the extent of number of years they have worked in the SSA, and second, the general age relaxation of 10 years to all the women candidates. Since the first category is a subjective one, i.e., age relaxation would be given to the extent of number of years the candidates worked in the SSA, the candidates, who are claiming age

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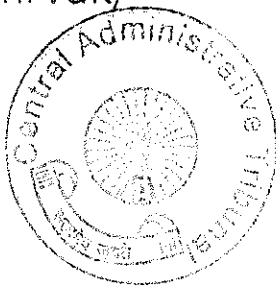
relaxation under the said category, may be required to submit necessary proof of number of years they worked as resource persons in SSA. But in respect of the women candidates who are claiming general age relaxation of 10 years, rejecting to consider their applications on the ground that they have not submitted OMR applications once again as per Notice dated 26.03.2013, is untenable, unsustainable and unreasonable. The applicants have already filed the original OMR and the original OMR itself contains a specific Column No.3 whereunder every candidate has to indicate his/her 'Gender'. Admittedly, the applicants have mentioned their 'Gender' as 'Female' under the said Column No.3. The copies of the OMR forms of the applicants filed by the respondents' counsel, in pursuance of an observation of this Tribunal, supports the said fact. Hence, the applicants are entitled for general age relaxation of 10 years, provided for the women candidates, without any further submission of the OMR forms.



8. In the circumstances, and for the aforesaid reasons, the OA is allowed, and the respondents are directed to consider the candidature of the applicants for selection for the post of Special Education Teacher, by providing them the general age relaxation of 10 years for women candidates, if they are otherwise qualified and eligible, along with others, and declare their results as per rules. In the event of their selection, they shall be considered for appointment as per their merit and shall be entitled for all consequential benefits, except for arrears of salary. No order as to costs.


(P. ~~W. N. Basu~~)
Member (A)

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(V. Ajay Kumar)
Member (J)

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Date/Dated... 04/8/2014


Secretary (J)
Section Officer (J)
केसरी व सचिपत व अधिकाय
Central Administrative Tribunal
प्रधान शाखा, नई दिल्ली
Principal Branch, New Delhi