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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12044/2019**

PARDEEP

..... Petitioner

Through **Mr. Anuj Aggarwal and Mr. Saurabh
Ahuja, Advocates**

versus

**DELHI SUBORDINATE SERVICES SELECTION BOARD (DSSSB) &
ANR**

..... Respondents

Through **Mr. N.K.Singh, Advocate for Mrs.
Avnish Ahlawat, Standing Counsel,
GNCTD(Services)**

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **18.11.2019**

CM.APPL 49308/2019 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 12044/2019

The appellant is aggrieved by order dated 23.09.2019 passed by the learned Central Administrative Tribunal (the 'Tribunal') by which, while issuing notice in the O.A., the appellant has been declined interim relief by the Tribunal.

In the impugned order dated 23.09.2019, while admitting the OA and issuing notice, the Tribunal has rejected granting interim relief on the ground that the applicant/petitioner herein is over-age and thus, it is not a fit case to grant interim relief for reserving a post for the petitioner.

Mr. Aggarwal, learned counsel for the petitioner has drawn the attention of the Court to advertisement dated 20.12.2017, where the age limit has been provided, the relevant portion of which is reproduced below:

Age limit:-	<p>Below 32 years, Age Relaxation will be given as per the table regarding age relaxation given below in the table at para 6.</p> <p>Women Candidates:- Relaxable by 10 years.</p> <p>Kashmiri Migrant Teachers:- One time relaxation in the upper age limit for the numbers of years served as teacher in Dte. Of Education.</p> <p>Guest/Contract teachers:- Relaxation in upper age as a one time measure upto the actual time spent as guest/contract teacher in Dte. Of Education, subject to a maximum of 5 years provided they have worked for at least 120 working days in that particular year (this would be applicable to those guest/contract teachers who have worked for the academic years 2012-13, 2013-14, 2014-15, 2015-16 & 2016-17).</p>
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Mr. Aggarwal submits that the petitioner has been working as a Guest Teacher and hence would be entitled to age relaxation upto five years, a fact which has not only been overlooked by the respondents, but has also not been appreciated by the Tribunal. Learned counsel further submits that the petitioner would be entitled to four years age relaxation as that is the period for which he has worked as a Guest Teacher. Learned counsel has also drawn the attention of the Court to an order dated 30.05.2019 passed by a Co-ordinate Bench of this Court, wherein in an identical matter, being W.P.(C).6383/2019, one post has been ordered to be kept reserved for the petitioner as a TGT (Sanskrit) Female, General Category candidate.

Notice to show cause as to why the petition be not admitted. Learned counsel for the respondents accepts notice.

Heard.

In view of the specific provision in the advertisement relied upon by learned counsel for the petitioner, we are of the view that the petitioner has been able to establish a strong *prima-facie* case. Accordingly, we dispose of this

petition with a direction to the respondents to keep one post reserved for the petitioner in the Post Code 135/17 as TGT (Natural Science)-Male, which post will be subject to the decision of the pending O.A. before the Tribunal.

Order dated 23.09.2019 of the Tribunal is modified to the above extent.

With the above directions, the writ petition stands disposed of.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 18, 2019

pst /
W.P.(C) 12044/2019

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