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

+ **W.P.(C) 2530/2022**

LAL BAHADUR & ORS.

..... Petitioners

Through

Mr Anuj Aggarwal with Mr Shubham  
Pundhir and Mr Narendra Pratap,  
Advs.

Versus

DELHI SUBORDINATE SERVICES SELECTION BOARD &  
ANR.

..... Respondents

Through

Mrs Avnish Ahlawat, Standing  
Counsel, GNCTD with Mrs Tania  
Ahlwawat, Mr Nitesh Kumar Singh  
and Mr Siddhant Tyagi, Advs. for  
DSSSB.

**CORAM:**

**HON'BLE MR JUSTICE RAJIV SHAKDHER**

**HON'BLE MR JUSTICE TALWANT SINGH**

**ORDER**

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**09.02.2022**

[Court hearing convened *via* video-conferencing on account of COVID-19]

**CM APPL. 7242/2022**

1. Allowed, subject to just exceptions.

**W.P.(C) 2530/2022**

**CM APPL. 7240/2022**[*Application filed on behalf of the petitioners for  
interim relief*]

**CM APPL. 7241/2022**[*Application filed on behalf of the petitioners for  
placing additional documents on record*]

2. This writ petition is directed against the order dated 11.05.2021, passed by the Central Administrative Tribunal [in short “the Tribunal”] in O.A. No.982/2021.

3. Mr Anuj Aggarwal, who appears for the petitioners, does not dispute that, as on the cut-off date i.e., 20.03.2013, the petitioners did not possess the essential qualification necessary to be appointed to the subject post.

3.1 In other words the petitioners were required to qualify the Central Teacher Eligibility Test (CTET) before 20.03.2013.

3.2. It is also not in dispute that the petitioners belong to Other Backward Classes (OBC), albeit from outside Delhi.

3.3. Furthermore, Mr Aggarwal says that the petitioners have crossed the age limit, and, therefore, if they seek to ever apply against the advertisements taken out to recruit special educators, they would not be eligible.

4. The record shows that the petitioners had sat for the relevant exam conducted by the Delhi Subordinate Services Selection Board (DSSSB) in 2013. As noted above, they were not recruited since they had not qualified the CTET examination, as on the cut-off date.

4.1. It is, however, Mr Aggarwal's contention that looking at the past data spanning between 2011 and 2020, it would reveal that a vast number of seats are left vacant because of unavailability of qualified special educators.

4.2. For this purpose, our attention has been drawn to the table set out at page 21 of the case file. For the sake of convenience, the same is extracted hereafter :

<i>S.No</i>	<i>Year of advertisement</i>	<i>Number of vacancies advertised</i>	<i>Number of vacancies filled</i>
1.	2011	858 (Post Code 64/11)	Advertisement cancelled
2.	2013	927 (Post Code 01/13)	214
3.	2014	670 (Post Code 146/14)	238
4.	2017	1329 (Post Code 87/17)	281
5.	2020	1326 (Post Code 93/20)	540 (E-dossier)

5. Ms Avnish Ahlawat, who appears for respondent no.1/DSSSB, on the other hand, says that the petitioners belong to the 2013 batch, and for a variety of reasons, they cannot be granted relief.

5.1. *Inter alia*, Ms Ahlawat submits that the issues concerning petitioners' lack of essential qualification, as on the cut-off date, and that they are not OBCs belonging to Delhi, was contested right up till the Supreme Court. In this context, Ms Ahlawat has drawn our attention to the decision of the Supreme Court rendered in the case of ***Rajneesh Kumar Pandey v. Union of India***, MANU/SC/0997/2021, appended on page 240 of the case file and marked as Annexure P-5.

5.2. It is Ms Ahlawat's contention that the petitioners failed before the Supreme Court, and, therefore, this is their second shot at seeking an appointment.

6. At the moment, we do not wish to make any observations either way.

6.1. However, we would like Ms Ahlawat to return with instructions as to what is the gap between the number of vacancies available for special educators and those who are in position.

6.2. Ms Ahlawat would, perhaps, also take instructions as to whether it is possible to raise the maximum age limit to address the deficiency, if any, *vis-a-vis* recruitment of qualified special educators.

6.3. The suggestion is being made keeping in mind the interest of differently abled children, who are in dire need of special educators.

7. List the matter on 06.05.2022.

**RAJIV SHAKDHER, J**

**TALWANT SINGH, J**

**FEBRUARY 9, 2022/rb**

*Click here to check corrigendum, if any*