

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 27
O.A./198/2024 (DELHI)
[APPOINTMENT]
Court No.: 2

No of Adjournment: 1

Order Dated: 02/02/2024

**PINKI MAURYA
Vs
DSSSB**

For Applicant(s) Advocate : Mr. Anuj Aggarwal

For Respondent(s) Advocate : Ms. Sriparna Chatterjee for MCD, Mr. D K Singh for Ms. Purnima Maheshwari

Order of The Tribunal

The applicants, 14 in number, have filed the present O.A. under Section 19 of the Administrative Tribunals Act, 1985, on being aggrieved by non-grant of age relaxation to them in order to enable them to participate in selection process for the post of Assistant Teacher (Nursery) (Post Code 817/23) in pursuance to the advertisement no. 08/2023 (Annexure A/1). Learned counsel for the applicants submits that the applicants have been working under the respondents for the last more than 14 to 20 years and have become over-aged for participating in the selection process under reference.

2. Learned counsel for the applicants further submits that the last date for submission of requisite application is 07.02.2024 in terms

of the aforesaid advertisement.

3. Issue notice.

4. Learned counsels who appear for the respondents on advance service, accept notice.

5. Learned counsel for the applicants presses for grant of interim relief. He submits that the last date for submission of application is 07.02.2024 and unless some interim relief is granted to the applicants, the applicants may not be in position to participate in the selection process under reference, in as much as their applications may not be entertained by the respondents on the ground of applicants being over aged. He further submits that the relief sought by the applicants is squarely covered by the law laid down by the Hon'ble Apex Court in a catena of cases including in Civil Appeal No. 1007/2021 titled *University of Delhi Vs. Delhi University Contract Employees Union and Ors.* (Annexure A/3). He further adds that if interim relief, to the extent that the applicants are allowed to participate in the relevant selection process, provisionally, no prejudice is likely to be caused to the respondents.

6. On the other hand, learned counsels appearing for the respondents have vehemently opposed the applicants' prayer for grant of interim relief. They submit that all the applicants have

become over aged by 10 to 15 years. There is already provision for grant of age relaxation of 5 years and on implementation of such policy for grant of age relaxation of 5 years, the applicants are admittedly not becoming eligible, therefore, the applicants are not entitled for anything contrary to the policy decision of the respondents. They further submit that sometime may be accorded to the respondents to enable them to file reply/short reply.

7. We have considered the submissions made by the learned counsels for the parties.

8. In the facts and circumstances of the case and keeping in view the law laid down by the Hon'ble Apex Court in the case of *Delhi University* (Supra), as an interim measure, respondents are directed to consider the applicants' candidature provisionally in order to enable them to participate in the selection process pursuant to the advertisement no. 8/2023 for the post of Assistant Teacher (Nursery), (Post code 817/23), if the applicants submit the requisite applications/documents in this regard, otherwise complete in all other aspects. It is clarified that such participation of the applicants, shall not bestow upon them any enforceable right to claim appointment to the said post and their candidature shall be subject to the final outcome of the present O.A.

9. Respondents are granted 4 weeks' time to file counter reply. Applicants shall be at liberty to file rejoinder, if any, within 2

weeks thereafter. Re-notify on 21.03.2024.

10. Order **Dasti**.

Tarun Shridhar
Member (A)

R. N. Singh
Member (J)

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