



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 2834/2019

Reserved on : 31.07.2024

Pronounced on : 22.08.2024

**Hon'ble Mr. Manish Garg, Member (J)**  
**Hon'ble Dr. Anand S. Khati, Member (A)**

Pardeep  
Aged about 36 years  
S/o Shri Dharam Vir Singh  
R/o Village & PO-Kanwali, Tehsil Kharkhoda  
District Sonapat, State Haryana-131403  
Post : TGT (Natural Science) (Male)  
Post Code: 135/17, Group-B

.. Applicant

(By Advocate : Mr. Anuj Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB)  
Through its Chairman  
Govt. of NCT of Delhi  
FC-18, Institutional Area  
Karkardooma, Delhi-110092.
2. Directorate of Education  
Director of Education  
Govt. of NCT of Delhi  
Old Secretariat Building  
Civil Lines, Delhi-110054.

.. Respondents

(By Advocate: Mr. Girish C. Jha)



## ORDER

### Hon'ble Dr. Anand S. Khati, Member (A)

The present Original Application has been preferred by the applicant challenging the impugned Rejection Notice No.457 dated 28.05.2019 issued by Delhi Subordinate Services Selection Board (DSSSB), i.e. the respondent No.1, whereby his candidature for appointment to the post of TGT (Natural Science) (Male), Post Code 135/17 in Directorate of Education (DoE), i.e. Respondent No.2, has been rejected on the ground that he is overage by 3 months and 24 days.

2. The factual matrix of the case, as narrated by the learned counsel for the applicant, is that the applicant is working as Guest Teacher in respondent No.2 - DoE since 2012. The details of his experience/working as Guest Teacher in Delhi Govt. schools are as under:

S. No.	Year	Period
1.	2012-2013	123 days
2.	2013-2014	190 days
3.	2015-2016	238 days
4.	2016-2017	235 days

2.1 The respondent No.1 issued Advertisement No. 04/2017 dated 20.12.2017 for recruitment to various posts, including the post of TGT (Natural Science) (Male), Post Code No.135/17. The upper age limit

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prescribed in the advertisement for the said post was 32 years, however, the candidates who are working as Guest/Contract teachers in the DoE, are entitled to age relaxation as under:

**“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 atleast 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.”

2.2 The applicant being eligible applied for the post and was issued admit card bearing Roll No.120213502358. He participated in the selection process and as per result dated 18.02.2019, he scored 110.10 marks out of 200 against the cut-off marks of 80.96 in UR category; and was also shortlisted for uploading the e-dossier for appointment to the said post.

2.3 The applicant duly uploaded his e-dossier along with the requisite documents, however, due to some technical error, he could not upload the experience certificate for the academic year 2013-14.

2.4 It is contended by the applicant that though vide Result Notice No.455 dated 28.05.2019 declaring result of 204 selected candidates, result of 9 candidates were kept pending on account of insufficient documents with a direction to upload their pending requisite documents, no such opportunity was provided to him.

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2.5 The applicant made representations dated 25.06.2019 and 26.07.2019 addressed to respondent No.1 ventilating his grievance, but the same were not responded to by the respondents.

3. The learned counsel for the applicant argued that the date of birth of the applicant is 07.10.1982 and as on the closing date of the application, i.e. on 31.01.2018, his age was 35 years, 03 months and 24 days. According to him, the applicant is entitled for age relaxation of 4 years for the period he worked with DoE as a Guest Teacher for more than 120 days in each academic years, i.e. 2012-13, 2013-14, 2015-16 and 2016-17. However, the respondents rejected his candidature being overage by 03 months 24 days, vide the impugned Rejection Notice No. 457 dated 28.05.2019, as under:

“The candidate has worked as Guest Teacher for 120 days in 2012-13, 2015-16, 2016-17 & 2017-18. For age relaxation, he needs the service of 3 years and 3 months, 24 days. Since the service rendered in the year 2017-18 is not counted for age relaxation and after considering all the service except this period, the candidate is still overage by 3 months 24 days.”

4. The learned counsel for the applicant, by placing reliance upon the decision of the Hon'ble High Court of Delhi in WP(C) No. 6383/2019 with CM Nos. 27176-177/2019 titled **Chanchal Rani vs Delhi Subordinate Services Selection Board (DSSSB) and Anr.**, dated 30.05.2019, submitted that the case of the applicant is that of inadvertent *bonafide* human error and, therefore, is squarely covered by the law declared by the Hon'ble High Court.



5. *Per contra*, the respondents have filed a counter affidavit opposing the O.A. Placing reliance upon the averments made in the counter affidavit, the learned counsel for respondents submitted that the applicant had uploaded an experience certificate w.e.f. 18.10.2012 to 10.05.2013 for a period of 123 days, whereas the Academic Year closes on 31.03.2013 and thus includes the excess period of 40 days. Hence, the applicant would not have completed 120 days during that academic year and being less than 120 days, this period cannot be counted for the purpose of age relaxation. Accordingly, relaxation can only be granted for three Academic Years, i.e. 2013-14, 2015-16 and 2016-17, and he still fall short of 3 months 24 days, as indicated in the Rejection Notice. He further submitted that the applicant has no case and the O.A. has been filed with *mala fide* intents and the same is liable to be dismissed.

6. We have heard the arguments put forth by the learned counsel for both sides and also gone through the pleadings on record.

7. As averred by the respondents in their counter affidavit, the applicant has been declared as overage on the ground that the experience certificate uploaded by the applicant w.e.f. 18.10.2012 to 10.05.2013 for a period of 123 days cannot be counted for the purpose of age relaxation, being not completed 120 days in that particular year, as the academic year closes on 31.03.2013. Thus, even after considering all the service except this period, he is entitled for age relaxation only for three Academic Years, i.e. 2013-14, 2015-16 and

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2016-17 and, accordingly, the candidature of the applicant has been rejected as he still fall short of 3 months 24 days. For ready reference, the experience certificate for the Academic Year 2012-13 is reproduced below:

“1310025 – Shahabad Dairy – GGSSS

EXPERIENCE CERTIFICATE

Ref. No: 201632401

Dated: 23/02/2019

Certified that Mr./Ms PARDEEP S/D/W/o DHARMVIR SINGH Resident of V.P.O. KAWALI THE KHARKHODA DISTT SONIPAT-131401 has worked as Guest teacher in the capacity of TGT NATURAL SCIENCE (Post) bearing ID no 21011181857 from 18/10/2012 to 10/05/2013 for 123 days in this school.

This certificate is issued on the basis of verification from contingent bill no.(s) of First Contingent Bill No. 218 dated 21/11/2012 and last contingent Bill No. 73 dated 30/05/2013 for the said period, by which Mr./Ms PARDEEP has been paid honorarium during his/her stay in the school.

Signature  
(Seal of HOS)

Note:-

- (i) Engagement of guest teachers is a stop- gap arrangement.
- (ii) Guest teachers were engaged on hourly basis subject to a maximum of 05 hours per day till september 2012. thereafter Guest teachers are being paid on daily basis without any paid leave.
- (iii) This experince certificate is simply a certification of attendance and is not reflective of the performance of the Guest teachers.”

However, it reveals that nothing has been mentioned as regards closing month of the academic year as March or otherwise.

8. We have also gone through the Advertisement No.04/17 dated 20.12.2017, wherein the age limit prescribed is as under:

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“Below 32 years, Age Relaxation will be given as per the table regarding age relaxation given below in the table at para 6.

**Women Candidates:-** Relaxable by 10 years.

**Kashmiri Migrant Teachers:-** One time relaxation in the upper age limit for the numbers of years served as teacher in Dte. Of Education.

**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 atleast 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.”

Even in the advertisement, it has not been specified that the academic year would be considered for a particular period, i.e. from 1<sup>st</sup> April to 31<sup>st</sup> March or so.

9. From a perusal of the record, it is evident that as per the result dated 18.02.2019, the applicant scored 110.10 marks out of 200 marks, against the cut-off marks of 80.96 in UR category and he was also shortlisted for the post of TGT (Natural Science) (Male) for filing e-dossier/document verification. However, due to non-consideration of experience for the year 2012-13, he fall short of 3 months 24 days and, resultantly, his candidature has been rejected.

10. As per the Advertisement, where there is nothing specifically mentioned about the duration of academic year and relaxation in upper age limit is allowed as a one time measure upto the actual time spent as guest/contract teacher, subject to a maximum of 5 years provided worked for atleast 120 working days in that particular year; and as per the experience certificate for the year 2012-13, the



applicant has worked for 123 days in that particular year. Had the age relaxation for the year 2012-13 been granted to him, the applicant would have been found eligible for such appointment. In view of above, we are of the considered opinion that his experience of 123 days during the Academic Year 2012-13 be considered towards age relaxation and his candidature ought to have been reconsidered for appointment to the post.

11. In view of the aforesaid facts and circumstances, the impugned order dated 28.05.2019 (Annexure A-1) is quashed and set aside, qua the applicant, and the matter is remitted to the Competent Authority amongst the respondents to re-consider the candidature of the applicant afresh for appointment to the post of TGT (Natural Science) (Male), post code 135/17, as per his merit, after taking into account the experience certificate for the Academic Year 2012-13 and, if he is found otherwise suitable and eligible, issue him offer of appointment. However, it is made clear that he will get the benefits, such as, salary, seniority etc. prospectively, i.e. from the date of his appointment only. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

12. The O.A. is disposed of in the aforesaid terms. There shall be no order as to costs.

**(Dr. Anand S. Khati)**  
**Member (A)**

**(Manish Garg)**  
**Member (J)**

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