**SYNOPSIS**

1. That the present Writ Petition under Article 226 read with 227 of the Constitution of India is against the order dated \_\_\_\_\_\_\_\_\_\_\_\_\_ passed by the Hon’ble Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred as ‘Hon’ble Tribunal’) in OA No. \_\_\_ of 20\_\_ vide which the Hon’ble Tribunal has disposed of the OA on the basis of an interim order passed by this Hon’ble Court on \_\_\_\_ in Writ Petition (C) No. \_\_\_ of \_\_\_ titled *\_\_\_\_\_ & Ors \_\_\_\_\_ & Ors*.
2. That in the said Petition it was wrongly mentioned that Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, one of the Batch mates of the Petitioner, has done \_\_\_ course. In fact he has done \_\_\_\_\_\_\_ Course (the same course done by the Petitioner) from \_\_\_\_\_ and his candidature for the post of Primary teacher in MCD was rejected with a remark ‘overage’ without giving age relaxation as per the direction of this Hon’ble Court in *Sachin Gupta and Ors Vs. Delhi Subordinate Services Selection Board, Writ Petition*.
3. That the Hon’ble Tribunal while disposing of the OA failed to consider the fact that the above said Writ Petition was filed by concealing the fact that disputes regarding educational qualification was already settled by this Hon’ble Court vide order dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in. The copy of the said order was in the file of the Hon’ble Tribunal, but without considering it and on the basis of wrong statement given by the respondents that Mr. \_\_\_\_\_\_\_\_\_\_\_\_ had done \_\_\_\_ course, the Hon’ble tribunal disposed of the Original Application filed by the Petitioner.
4. The Hon’ble Tribunal also failed the appreciate that Writ Petition No. \_\_\_\_\_\_\_\_ of 20\_\_\_ is barred by *Res Judicata* as all the disputes regarding educational qualification i.e. ETE, Diploma in Education and equivalent courses had been settled by this Hon’ble Court in *\_\_\_\_\_\_ (supra)* which was attained finality after the Hon’ble Supreme Court allowed the Review Petition filed by Mr. \_\_\_\_\_.
5. Brief facts about the case are that pursuant to the Advertisement No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of Delhi Subordinate Services Selection Board (DSSSB), the petitioner had applied for the post of Primary Teacher in Municipal Corporation of Delhi (MCD) (Post Code 70/09) under OBC Category and appeared for Written Examination held on \_\_\_\_\_\_\_\_\_\_\_\_\_. She had secured \_\_\_\_\_ marks but her candidature was not considered for the said Post and her name was displayed in the rejection list published on \_\_\_\_\_\_\_\_ with a remark of “overage”.

**LIST OF DATES AND EVENTS**

|  |  |
| --- | --- |
| Prior to 8.5.\_\_ | Maximum age limit for appointment to the post of Assistant Teacher MCD were 32 years for male and 42 Years for Female. |
| 08.05.\_\_\_ | Respondent No. 1 issued a notification and amended Recruitment rules for appointment to the post of Assistant Teachers in NCT of Delhi and MCD and prescribed the maximum age limit as 27 years for male as well as females. |
|  |  |
| 07.11.20\_\_ | Respondent No. 2 issued advertisement No. \_\_\_\_\_ for the post Teacher (primary) in MCD under the Post Code \_\_\_\_. The Petitioners applied. |
|  |  |
| 20.07.20\_\_ | The Ld Tribunal directed the Respondent to herein finalise the amendments in the RRs by applying classification of the post of enhancement of the age. |
|  |  |
| 02.02.20\_\_ | The Petitioner appeared in the examination. |
| 08.07.\_\_ | Result of the said written Test was published and the Petitioner had secured \_\_ marks (Cut off \_\_). |
| 05.12.20\_\_ | DSSSB issued an office order No. \_\_\_ in which the Petitioner’s name was shown not eligible on the ground of “overage”. |
| 10.12.20\_\_ | Petitioner made representation to the authority appraising the fact that the Petitioner is fully entitled to get age relaxation as per Hon’ble Delhi High Court Judgment in \_\_\_\_\_\_. |
| July 20\_\_ | Petitioner filed O A No. \_\_ of 20\_\_ with the Hon’ble Tribunal, being aggrieved by the office order No. \_\_\_and Rejection Notice dated \_\_\_ and challenged the order to an extent she is affected on the ground of “overage”. |
| 03.10.20\_\_ | The Hon’ble Tribunal disposed of OA No. \_\_\_\_ of 20\_\_ with a liberty to the applicant to seek re-consideration of the O.A after the disposal of the Writ Petition (C) No. \_\_\_ of 20\_\_ by this Hon’ble Court. |
| .12.2018 | Hence the Present Petition |

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

WRIT PETITION NO­\_\_\_\_\_ OF 20\_\_

**IN THE MATTER OF:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ….PETITIONER

VERSUS

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** & ORS ….RESPONDENTS

TO,

THE HON’BLE CHIEF JUSTICE AND HIS COMPANION JUDGES OF THE HON’BLE HIGH COURT OF DELHI.

THE PETITIONERS ABOVE NAMED

**WRIT PETITION UNDER ARTICLE 226 READ WITH 227 OF THE CONSTITUTION OF INDIA AGAINST THE JUDGMENT AND ORDER DATED \_\_\_\_\_\_\_ PASSED BY THE HON’BLE CENTRAL ADMINISTRATIVE TRIBUNAL IN OA NO. \_\_\_ OF \_\_.**

**MOST RESPECTFULLY SHOWETH:**

1. That the present Writ Petition under Article 226 read with 227 of the Constitution of India is against the order dated \_\_\_\_\_\_\_\_\_\_\_\_\_ passed by the Hon’ble Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred as ‘Hon’ble Tribunal’) in OA No. \_\_\_ of 20\_\_ vide which the Hon’ble Tribunal has disposed of the OA on the basis of an interim order passed by this Hon’ble Court on \_\_\_\_ in Writ Petition (C) No. \_\_\_ of \_\_\_ titled *\_\_\_\_\_ & Ors \_\_\_\_\_ & Ors*. A copy of the order dated 03.10.20\_\_ passed by the Hon’ble Central Administrative Tribunal in O.A. No. \_\_\_ of 20\_\_ is annexed and marked as **Annexure P-1** (Pages \_\_\_\_\_\_\_\_\_).

**FACTS LEADING TO FILING OF THE PRESENT PETITION**

1. Brief facts necessary for deciding the Present petition are as follows:
2. That Petitioner has done \_\_\_\_\_\_\_\_\_\_\_\_\_ in the year \_\_\_\_\_from \_\_\_\_\_\_.
3. That pursuant to the Advertisement No. \_\_\_ of 20\_\_ of DSSSB the Petitioner had applied for the Post of Primary Teacher in \_\_\_\_, Post Code \_\_\_ and participated in the selection process, Roll No. \_\_\_\_. She got \_\_\_ Marks. Despite the applicant having secured more marks than the cut-off marks (\_\_) for OBC category, she has not been considered for appointment on the ground of being ‘overage’. In the rejection order No. \_\_ dated 05.12.20\_\_, the applicants name figures at Sr. No. \_\_.
4. The Petitioner had challenged the impugned rejection order No. \_\_ dated \_\_\_\_ in the Central Administrative Tribunal by way of O.A. No.

A copy ofentire CAT Record of O.A. No. \_\_\_/\_\_\_ filed by Petitioner with the Central Administrative Tribunal is annexed herewith and attached as **Annexure P-3** (Pages \_\_\_\_\_\_\_\_\_)**.**

1. Pursuant to the notices issued, the respondents entered appearance and filed replies, to which the Petitioner has filed separate rejoinders.
2. That after hearing these submission of the Respondents, the Hon’ble Central Administrative Tribunal on 03.10.20\_\_, disposed of the OA filed by the Petitioner with the following observations/Directions:
3. That the Hon’ble Tribunal did not try to verify the facts from the records which show that \_\_\_\_\_\_\_\_\_\_\_had done Diploma in Education from Bhopal which is the same qualification of Petitioner.
4. That since the dispute regarding equivalence of educational qualification was already settled; the Hon’ble Supreme Court in the Judgment used the word “\_\_” just to represent the educational qualification.
5. That the Respondents have wrongly twisted the facts in such a way that Mr. \_\_\_\_\_\_\_\_\_ had done \_\_\_\_ course not Diploma in Education from Bhopal, hence his Review Petition was allowed.
6. **GROUNDS:**
7. Because the Hon’ble Tribunal failed to appreciate that a Division Bench of this Hon’ble court by its Judgment dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_ *v. \_\_\_\_\_\_\_\_\_\_\_*, held that a candidate who had completed ETE course from Delhi is to be given age relaxation as per the decision in \_\_\_\_\_\_\_\_\_\_, the same age relaxation should be provided to the persons who are identically placed in terms of educational qualifications.
8. Because the Hon’ble Tribunal failed to appreciate that the Petitioners in Writ Petition (C) No. \_\_\_\_ of 20\_\_ have concealed the fact
9. Because the Hon’ble Tribunal did not consider all these facts while disposing of O.A No. \_\_\_\_ of 20\_\_ which resulted violation of rights guaranteed to the Petitioners under Article 14 and 16 of the Constitution of India.
10. That the petitioners submit that no other petition against the impugned order has been filed by the petitioner.
11. That the petitioners do not have no other efficacious alternative remedy than to file the present writ petition.

**PRAYERS**

In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon’ble Court may be pleased to:--

1. Issue an appropriate Writ quashing the impugned order dated 03.10.20\_\_ passed by the Hon’ble Central Administrative Tribunal, Principal Bench, New Delhi, in Original Application No. \_\_\_ of 20\_\_.
2. Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.

THROUGH;

COUNSEL FOR THE PETITIONERS

New Delhi

Dated: \_\_.\_\_.20\_\_