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

+ W.P.(C) 12079/2018 with CM APPL. 46793-46794/2018

LATIKA TIWARI Petitioner

Through: Mr. Kamal Mohan Gupta, Adv.

versus

GOVERNMENT OF NCT OF DELHI THROUGH PRINCIPAL
SECRETARY (EDUCATION) AND ORS. Respondents

Through: Ms. Avnish Ahlawat, St. counsel,
GNCTD (Services) with Ms. Palak
Rohmetra and Ms. Aarushi, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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12.11.2018

C.M. No. 46793/2018

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 12079/2018 & C.M. No.46794/2018

The petitioner has preferred the present writ petition to assail the order dated 25.07.2018 passed by Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No.2758/2018. The petitioner had approached the tribunal to seek quashing of the eligibility criteria vis-à-vis, the age prescribed in the advertisement for recruitment of primary teachers by the respondent GNCTD through respondent no.3 DSSSB. The age criteria fixed in the said advertisement against post code 1/18 was 30 years.

The grievance of the petitioner was that there had been no recruitment made for the said post between 2012 and 2017 when the advertisement was issued and due to non recruitment over the years, the petitioner became over aged. The petitioner claimed upward revision of the age criteria and age relaxation to be able to participate in the selection process.

The tribunal has by a summary order dismissed the O.A. by observing that the classification has been clearly mentioned in the advertisement and the same is reasonable and comes within the ambit of Article 14 of Constitution of India.

The submission of the petitioner is that due to inaction on the part of the respondent in making the recruitment year wise, the petitioner could not participate while she was still under 30 years of age. The further submission is that in respect of other posts, the age relaxation to female candidates is granted. Learned counsel submits that guest teachers were also granted age relaxation. On our query, the petitioner states that the petitioner did not seek appointment as a guest teacher, since she was not eligible at the relevant point of time when guest teachers were appointed.

Having heard learned counsel for the petitioner and perused the record, we are of the view that there is no merit in this petition. Ms. Ahlawat, who appears on advance notice, points out that the examination in respect of advertisement No.1/18 has already been conducted.

The State has never represented or guaranteed that it would hold recruitment of primary teachers on yearly basis. The petitioner, therefore, has no vested right to compete for vacancies which may have arisen between 2012 and 2017, in respect whereof recruitment was not earlier undertaken. Moreover, apart from the vacancies of primary teachers in the schools run by GNCTD,

there are several other avenues available to the petitioner. The fixation of the age criteria in respect of any post is a matter of policy and it is not for the courts to lay down the policy or interfere with the same, unless some arbitrariness is pointed out in the policy itself which, in our view, is lacking in the present case. Merely because age relaxation may be provided for in respect of other posts is no reason to introduce the same by judicial intervention in respect of the posts of primary teachers. Different posts constitute valid classification.

We may also observe that a similar issue was raised in *Raj Bala v. GNCTD* in W.P.(C.) No.7240/2017, which was dismissed along with several other petitions on 23.08.2017 by this Court.

For all the aforesaid reasons, we find no merit in this petition and dismiss the same.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 12, 2018

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