

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12.10.2021

+ W.P.(C) 11224/2021 & CM APPL. 34548/2021

..... Petitioners

versus

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel for R-1 & 3/GNCTD.
Mr. Tushar Sannu, Adv. with Ms. Ankita Bhadouriya, Mr. Shubham Gupta, Ms. Shriya Sharma and Mr. Waheedullah Khan, for R-5/SDMC.

+ **W.P.(C) 10415/2021 & CM APPL. 32035/2021**

..... Petitioners

versus

.... Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel for R-1 & 3/GNCTD.
Mr. Tushar Sannu, Adv. with Ms. Ankita Bhadouriya, Mr. Shubham Gupta, Ms. Shriya Sharma and Mr. Waheedullah Khan, for R-5/SDMC.

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J.: (ORAL)

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

1. Pursuant to our previous orders i.e., orders dated 17.09.2021 and

05.10.2021, Mrs. Avnish Ahlawat, counsel for respondent nos. 1 to 3, has returned with definitive instructions.

2. Mrs. Ahlawat has screen-shared the order dated 11.10.2021, passed by the Deputy Director, Local Body-III, Government of NCT of Delhi, vis-à-vis the matter of age relaxation concerning the appointment of the Special Educator (Primary), pursuant to the issue being considered and receiving the imprimatur of the Hon'ble Lt. Governor of Delhi. The relevant part of the said order is set forth hereafter:

“In view of the observations made by Hon'ble High Court of Delhi during the proceedings held in WP (c) No. 11224/2021 & 10415/2021, Hon'ble Lt. Governor, Delhi has considered the matter regarding one time age relaxation, under clause 5 of the Recruitment Rules, to the petitioners who are otherwise eligible for the post of Special Educator (Primary) postcode 32//21 and is of the view that since the ratio of vacancy and eligible applicants is 1:11, it would not be expedient at this belated stage to grant age relaxation against the vacancies notified under which exam is already notified and scheduled for 17.10.2021 and thus DSSSB is permitted to go ahead with the scheduled exam.

Further, in exercise of the power to relax under the clause 5 of Recruitment Rules for the post of special Educator (Primary) in Municipal Corporation of Delhi (2012) (South, East and North Delhi Corporation), the Hon'ble Lt. Governor of NCT of Delhi is pleased to grant one time age relaxation of ten years, beyond the age limit Prescribed for the post of Special Educator (Primary) in MCD, for the vacancies which will arise till December 2022 including the unfilled vacancies of the post code 32/21. This shall not be treated as a precedent for any recruitment beyond the period specified above for this post or any other post.

s/d/-

Dy. Director, Local Body-III”

2.1. In view of what has been noted above, counsel for the petitioners is satisfied that, this order would largely subserve the petitioners' interests, as also of the children, who require the assistance of experienced special educators.

2.2. The only concern of counsel for the petitioners is that, upon examination being held, pursuant to Post Code 32/21, the leftover vacancies may not be

advertised with due expedition.

2.3. Counsel for the concerned municipal corporations i.e., East Delhi Municipal Corporation, South Delhi Municipal Corporation and North Delhi Municipal Corporation assure the Court that, once the results are declared qua Post Code 32/21, vacancies shall be identified, and duly advertised to enable the petitioners in the above-captioned matters, and similarly circumstanced persons, to take the advantage of the abovementioned order, which is, dated 11.10.2020.

3. The writ petitions are disposed of with a direction to the concerned municipal corporations, to identify the leftover vacancies and expected slots/vacancies qua the post of Special Educator (Primary), which would be available till December 2022, at the earliest, though not later than four weeks from the date of the declaration of result, against Post Code 32/21.

3.1. In view of the above, pending applications in the above-captioned writ petitions shall also stand closed.

4. We extend our gratitude and compliment, Mrs. Ahlawat, Mr. Tushar Sannu and other counsel, who appeared in the matter for the assistance rendered which helped us in resolving the issue at hand to satisfaction of all concerned, in particular, those who are not before us i.e., the children

RAJIV SHAKDHER, J

TALWANT SINGH, J

OCTOBER 12, 2021

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Click here to check corrigendum, if any