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

+ **W.P.(C) 5144/2024 AND CM APPL. 31108/2024**

ANISHA SINHA

..... Petitioner

Through: Mr. Prushottam Sharma Tripathi, Mr.
Kaishk and Mr. Prakhar Singh,
Advocates.

versus

**UOI THROUGH MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT & ORS.**

..... Respondents

Through: Ms. Avshreya Paratap Singh Rudy,
SPC with Ms. Usha Jamnal,
Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE DR.JUSTICE SUDHIR KUMAR JAIN

ORDER

29.05.2024

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1. The present petition has been filed by the petitioner with the following prayers:-

*“a. Issue an appropriate writ, order or direction in the nature of mandamus directing the Respondents to regularize the service of the Petitioner against permanent substantive posts of Lecturer (Speech and Hearing) from immediate effect given that she possessed eligibility, qualification and experience to be permanently appointment against regular post since 2013 till date but was forced to render ad hoc contractual service; and,
b. Issue a writ in the nature of mandamus quashing the order dated 29.01.2024 which rendered the petitioner ineligible as overaged for the post of Lecturer as advertised by the Respondents vide Recruitment Notification No.*



CBC38107/12/0012/2324 dated 21.10.2023.

c. Issue a writ in the nature of mandamus declaring the rule OM No. AB-14017/48/2010-Estt (RR) dated 31.12.2010 (PARA 3.7.4.1 & 3.7.4.2) which mandates that no age relaxation can be given to the Petitioner despite possessing all other eligibility criteria and despite having 14 years of relevant teaching experience, ultra vires Articles 14, 16, 21 of Constitution being ex facie arbitrary, unreasonable, unfair and iniquitous.

d. Issue a writ in the nature of mandamus to the respondents for providing age relaxation to the Petitioner so as to declare her eligible for being considered for appointment to the post of Lecturer (Audio/Speech Pathology) at Ali Yavar lung National Institute of Speech & Hearing Disabilities, advertised by the Respondents vide Recruitment Notification No. CBC38107112/0012/2324 dated 21.10.2023.

e. Issue a writ in the nature of mandamus to the respondents for providing marks relaxation to the Petitioner so as to provide proper weightage to her experience of about 13 years for the post of Lecturer at Ali Yavar lung National Institute of Speech & Hearing Disabilities, advertised by the Respondents vide Recruitment Notification No. CBC38107112/0012/2324 dated 21.10.2023.

f. Issue any other suitable order or direction as this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the present case; and,

g. Costs of the petition may kindly be awarded to the petitioner.”

2. On the last date of hearing, i.e., 22.05.2024, we had considered the application being CM APPL. 31108/2024 for certain prayers as made in the said application and learned counsel for the petitioner had sought time to take instructions in case the petitioner is ready or willing to participate in the selection process provided that the petitioner is given the age relaxation beyond the upper age limit. Ms. Rudy, learned counsel for the respondents, submits that she has instructions to state that the petitioner shall be allowed



to participate in the selection process for the post of Lecturer (Audio/Speech Pathology) at AYJNISHD, Noida Regional Centre, as one time measure. In other words, age relaxation shall be granted to the petitioner in as much as upper limit shall not be insisted upon.

3. Taking the above said submission on record, we dispose of the writ petition with a direction to the respondents to accept the petitioner's application and proceed in accordance with law/advertisement.

4. The next date of hearing, i.e., 24.07.2024, stands cancelled.

V. KAMESWAR RAO, J

DR. SUDHIR KUMAR JAIN, J

MAY 29, 2024

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