



2025:DHC:5370-DB



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

Date of decision: 07.07.2025

+ W.P.(C) 14363/2024

ARTI SHARMA

.....Petitioner

Through: Mr. R. K. Shukla, Ms. Nisha
Mamya, Advs.

versus

GNCTD AND ORS

.....Respondents

Through: Mr. Sujeet K Mishra, Adv.for
R-1 to 3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 31.10.2023 passed by the learned Central Administrative Tribunal Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. 3558/2019 titled ***Ms. Arti Sharma (UR) v. Govt. of NCT of Delhi & Ors.*** (hereinafter referred to as, 'O.A.'), dismissing the O.A. filed by the petitioner herein, holding that as she was not having 10 years of experience as an Anganwadi worker, she could not be considered against the 25% posts reserved for the Anganwadi workers.

2. Thereafter, the petitioner filed a Review Application being RA no. 157/2023 (hereinafter referred to as, 'R.A.'), which also came to



be dismissed by the Impugned Order dated 19.07.2024 holding that the petitioner cannot be considered against the unreserved category as she would then be over age by 1 year 10 months and 3 days.

3. The petitioner challenges the above Orders by contending that the age relaxation, in terms of the advertisement is universally applicable, both to the unreserved category as also to the Anganwadi worker category. He submits that in the Order dated 31.10.2023, the learned Tribunal itself had held that the petitioner was entitled to the relief of age relaxation, but later denied the same in its Impugned Order dated 19.07.2024 passed in the R.A.

4. On the other hand, the learned counsel for the respondents submits that the age relaxation for Anganwadi workers would be applicable only if the candidate is being considered against the posts reserved for Anganwadi workers and not against the unreserved category. He submits that therefore, the petitioner was not entitled to the age relaxation as she did not have the required 10 years of experience as an Anganwadi worker.

5. The learned counsel for the respondents also submits that the age relaxation for Anganwadi worker is distinct from the general age relaxation for other categories since, an Anganwadi worker has to have minimum of 10 years of experience.

6. He further submits that the petitioner could not be said to have met the mark as an unreserved category candidate because she did not have a graduation degree in subjects of Home Science or Child Development or Nutrition or Social Work, which was to be granted a preference.



7. We have considered the submissions made by learned counsel for the parties.
8. The advertisement in question is rather short and is reproduced herein below:

*“Post Code: 212/14 Supervisors Gr. II
(Reserved only for Female)*

*In Department of Women & Child
Development*

*Number of Vacancies: 290 (UR-145, OBC-79,
SC-44, ST-22) including Ex-Servicemen:-29,
PH:- OH-03, HH-03, VH-03 (Reserved for
only Female Candidates)[25% of total
vacancies are reserved for Anganwari workers
who are matriculate and have put in a
minimum of 10 yrs of service].*

*Essential Qualification: Graduation
preferably in Home Science or Child
Development or Nutrition or Social work from
recognized University/Board. OR
Matriculation with 10 years experience as an
Anganwadi Worker.*

*Desirable Qualification: 1 year practical
experience in the field of social work in any
Govt. Department or recognized organisation
in regular paid capacity.*

*Experience: (Essential)- 10 years experience
as an Anganwadi Workers (only for
Anganwadi Workers).*

Pay Scale: 5200-20200+GP 2800 Group: 'C'

Probation period: 02 years

*Age Limit: 27 years, (Relaxation in upper age
limit:- SC/ST-05 years, OBC-03 years, PH-10
years, PH & SC/ST-15 years, PH & OBC-13
years, Departmental Candidates/Ex-SM- As
per DOPT guideline, Women/Widow-As per
rule, Anganwari Worker- Upper age is
relaxable to the extent of the period served as
Anganwari Worker, subject to a maximum
relaxation of 15 yrs).*

*This post is identified suitable for PH persons
(OH, HH and VH).*

R.No.F.8(11)/Admn./WCD/2014/26225 dt.



05/11/14”

9. Reading of the above advertisement would show that 290 vacancies were advertised for the post of Supervisor Grade-II (Female) in the Department of Women and Child Development, out of which, 25% were reserved for Anganwadi workers who are matriculate and have completed a minimum of 10 years of service. The upper age limit prescribed was 27 years. However, a relaxation in the above age limit was also prescribed for various categories, and for the Anganwadi workers, the upper age limit was relaxed to the extent of the period served as an Anganwadi worker, subject to a maximum relaxation of 15 years. The same was neither subjected to the Anganwadi worker having matriculation, nor a minimum of 10 years of service. It was a general age relaxation given to the candidates who are Anganwadi workers.

10. The learned Tribunal, in the first round, while passing the Order dated 31.10.2023, rightly appreciated the above distinction while holding as under:

“6.3 As regards issue no.2, both the applicant as well as the respondents have confused themselves by mixing age relaxation with educational qualification. The column 7 for age relaxation does not say that the age relaxation is subject to the categorization of candidates according to their educational qualification. It has two different categories, one is for government servants where the relaxation is upto five years and second is for Anganwari workers with a maximum relaxation of fifteen years. This column does not say that such relaxation is subject to any other qualification i.e. educational qualification. In view of this, the decision of



respondent no.2 rejecting the candidature of the present applicant on the ground that the applicant was overage by 1 year, 10 months and 3 days (rejection condition no.(i)) is not tenable. Giving allowance to the present applicant for her experience of 3 years 8 months and 20 days, she is not overage at the relevant point of time, Accordingly, the rejection of the candidature of the present applicant under this condition is not acceptable.

(Emphasis Supplied)

11. Having held the above, the finding of the learned Tribunal that the benefit of the age relaxation is applicable only when the candidate applies under the Anganwari category, therefore, cannot be sustained. As noted above, the age relaxation is general and applies to the candidates both under the unreserved as well as under the Anganwadi worker category. The petitioner therefore, was entitled to the age relaxation of 3 years 8 months 20 days, that is, the time she had worked as an Anganwadi worker. With such relaxation in age, she was eligible for being considered for the above post under the unreserved category. The Impugned Order dated 19.07.2024 in this regard, therefore, cannot be sustained.

12. As far as the submission of the learned counsel for the respondents that the petitioner would not get appointment under unreserved category as she does not have a degree in Home Science or Child Development or Nutrition or Social Work, which was to be granted a preference, is concerned, we are of the opinion that the learned Tribunal, having held that the petitioner was not entitled for the being considered for the unreserved category post, did not



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completely consider this issue.

13. We, therefore, set aside the Impugned Orders dated 31.10.2023 and 19.07.2024 passed by the learned Tribunal.

14. The O.A. is directed to be restored back to its original number and it is further directed that the learned Tribunal shall re-consider this issue after receiving a response from the respondents in this regard.

15. The parties shall appear before the learned Tribunal on 7th August, 2025.

16. With the above observations and directions, the present petition is allowed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 7, 2025

Pallavi/sm/VS

Click here to check corrigendum, if any