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

+ W.P.(C) 8385/2023, CM APPL. 32013/2023

GOVT OF NCT OF DELHI AND ORS.Petitioners

Through: Mr. Gaurav Dhingra, Mr.
Shashank Singh, Advs.

versus

VIRENDER AND ORS.Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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20.03.2026

1. The matter was listed on 19.03.2026 and was called twice, however, there was no representation on behalf of the Respondents.

2. None appears on behalf of the Respondents today as well.

3. Through the present Petition, the Petitioners assail the correctness of the order dated 10.04.2023 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'Tribunal'], whereby the Original Application (O.A.) filed by the Respondent No.1 was allowed.

4. It will be noted that on 16.03.2026, an identical Writ Petition bearing W.P. (C) No.2774/2023 captioned ***Delhi Subordinate Services Selection Board & Ors. v. Satish Kumar Meena***, filed by Delhi Subordinate Services Selection Board ('DSSSB'), came to be dismissed by this Court, wherein the following order was passed:

"1. Through the present Writ Petition filed under Article 226 of the Constitution of India, the Petitioners pray for a Writ in the nature of Certiorari to quash the order dated 07.12.2022, passed by the learned Central Administrative Tribunal, while allowing Original Application, being O.A. No.2575/2019, filed by the Respondent.



2. The Respondent has worked as a Teacher on contractual basis in Municipal Corporation of Delhi (MCD). In the year 2017, recruitment notice was issued by Delhi Subordinate Services Selection Board (DSSSB) advertising 1394 posts of Assistant Teachers (Primary).

3. Clause 6 of the said recruitment notice reads as under :

“

S.No.	Categories	Extent of age concession
6.	<i>Departmental candidate with at least three years continuous service in Govt. of NCT of Delhi/its local or autonomous bodies.</i>	<i>Upto 05 years for Group 'B' posts (which are in the same line or allied cadres and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of post.)</i>

”

4. The Respondent participated in the examination for recruitment and upon being declared successful, submitted e-dossiers, however, his candidature was rejected on the ground that he was overage in the ST Category.

5. The Respondent filed O.A. No.2575/2019 seeking quashing of the order rejecting his candidature. The O.A. was allowed on 07.12.2022 observing that the Respondent was entitled to age relaxation under Clause 6, which has been extracted above.

6. Learned counsel representing the Petitioners contends that the Respondent was working in MCD, which is a local body and the Respondent can claim age relaxation only in recruitment under MCD and not in the Government.

7. This Court has considered the submission. It is evident that recruitment notice in the year 2017 was issued by the Government. The said notice specifically provides that age relaxation shall be given to departmental candidates with at least 03 years of continuous service in Government of NCT of Delhi / its local and autonomous bodies.

8. MCD is a local body of Government of NCT of Delhi. hence, there is no substance in the argument of learned counsel representing the Petitioners that Respondent was entitled to age relaxation only in the recruitment carried out by the MCD.

9. Learned counsel representing the Petitioners also relies upon the judgment passed by the Hon'ble Supreme Court of India in the case of **Delhi Subordinate Services Selection Board & Anr. v. Seema Kapoor : Civil Appeal No. 4461 of 2021** decided on 22.07.2021.

10. In the aforesaid case, the question arose whether the Respondent, who was serving as Teacher (Primary) in South Delhi Municipal Corporation, fell within the definition of departmental candidate or not.



11. The relevant clause for grant of age relaxation in the aforesaid case reads as under :

“Age Limit: Below 36 years & relaxable in case of Govt. Servant and departmental candidates upto 05 years in accordance with the instructions or orders issued by the Central Government. This post is identified as suitable for OH/VH persons only as per the Requisition of the User Department.”

12. It is evident that the Hon’ble Supreme Court of India has interpreted the clause which did not include employees of the local / autonomous bodies. However, in the present case, Clause 6 specifically includes employees of local / autonomous bodies of the Government under category of departmental candidates.

13. Hence, the judgment relied upon by the learned counsel representing the Petitioners is distinguishable.

14. Consequently, finding no merit, the present Writ Petition along with the pending application is dismissed.”

5. The present Petition also arises from the same Recruitment Notice as in W.P.(C) 2774/2023, however, the post for which the Respondent No.1 applied is different.

6. In essence, the issue which arises for consideration is whether the contractual employees of MCD, a local body of the GNCTD, are entitled to the benefit of age relaxation in terms of Clause 6 of the Recruitment Notice or not.

7. The aforesaid issue has already been examined in detail and conclusively settled by this Court.

8. Accordingly, the present Petition is dismissed in the same terms. The pending application also stands closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MARCH 20, 2026

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