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

+ **W.P.(C) 15823/2025 & CM APPL. 64794/2025**

GOVT OF NCT OF DELHI AND ANRPetitioners
Through: Mr. Yeeshu Jain, ASC with Ms.
Jyoti Tyagi, Adv.

versus

SAVITA KUMARI MANNRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
14.01.2026

1. The present writ petition has been filed after a period of nearly one year from the date of passing of the impugned order dated 16.10.2024 by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereafter 'CAT') on O.A. No. 2526/2017.
2. Succinctly stated, the Respondent herein was appointed on 01.09.2003, as a Teacher (Nursery) on contract basis for a period of six months and was continued to be engaged in the same capacity in the Education Department of the Municipal Corporation of Delhi (hereafter 'MCD').
3. She applied for regular recruitment under notification dated 68/10 and 02/10 issued by the DSSSB, calling applications for the post of Assistant Teacher – Female (Nursery), but her candidature was rejected on the ground that she has become overage.
4. Admittedly, the Respondent has been serving as a Teacher



(Nurse) since 2003.

5. *Vide* Order dated 20.01.2011 passed in O.A. No. 2555/2010, filed by the Respondent along with 27 other Applicants on an earlier occasion, the learned CAT decided that the employees who were appointed on contract basis and have gained sufficient experience, shall be granted relaxation in age while seeking regular employment.

The relevant directions are reproduced as under: -

*“ 13. It would be apparent from a perusal of the above quoted judgments that the Apex Court and Delhi High Court **did require the Competent Authority to consider the grant of age relaxation and also giving weightage for the contractual service rendered and experience gained by the applicants therein.***

*14. Having said that on merits, we would also like to observe as under. The applicants herein are in contractual employment since the year 2003. They have, on their own showing, crossed the maximum age of eligibility for a regular appointment. By the very nature of things, they may have entered matrimony and raised families in the meantime. Throwing them on the road at this stage of their life would appear to be **unjustified, and inappropriate from the humane angle. These aspects may also go into consideration in the mind of the Competent Authority, while considering the aspect of relaxation on point of age-related to eligibility.***

15. We would, accordingly, allow the OA and direct the Competent Authority may consider granting relaxation in the matter of age-related eligibility to the applicants. In that process, the judicial pronouncements quoted in the course of para No. 11 & 12 of this judgment shall also be taken into consideration in their relatability to the facts and circumstances of the present case. The exercise shall be concluded within one month from today.”

(emphasis supplied)

6. While passing the impugned order, the learned CAT observed that the above referred order dated 20.01.2011, crystallizing the rights and obligations of the parties, has attained finality and was never challenged before this Court. Accordingly, the Rejection notice No. 547 of the Respondent was set-aside and DSSSB was directed to re-



consider the candidature of the Petitioner in view of the above decision of the learned CAT. It was further clarified that if the Respondent is otherwise fit, her case shall be processed further as per law for appointment, granting her age relaxation, as per her merit position and considering that she has already gained sufficient experience in teaching.

7. In view of the above, this Court does not find any error in the approach of the learned CAT and there is no ground to interfere with the impugned order.

8. Accordingly, the present writ petition along with pending application, is dismissed.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

JANUARY 14, 2026

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