
(2020) 12 CAT CK 0071

In the Central Administrative Tribunal

Case No : Original Application No. 944 Of 2018

Kamlesh Sharma

APPELLANT

Vs

Govt. Of NCT & Others

RESPONDENT

Date of Decision : 09-12-2020

Acts Referred:

Citation : (2020) 12 CAT CK 0071

Hon'ble Judges : L. Narasimha Reddy, J;A. K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Amita Singh Kalkal, Manajay Kumar Mishra

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The 1st respondent proposed to fill up the post of Physical Education Teacher (PET), and the matter was entrusted to Delhi Subordinate Services

Selection Board (DSSSB). A notification was issued in the year 2014. The applicant appeared in the written test conducted for the purpose. After the

declaration of the results, the candidature of the applicant was not considered on the ground that he is over aged, i.e., above years.

2. The applicant contends that the advertisement itself provided for relaxation of age to the extent of 5 years in favour of meritorious sports persons,

and he claimed the benefit of relaxation under the clause. It is stated that when he was required to upload the documents, he furnished a certificate of

meritorious sports person participation in the inter university in the event of Cross Country (Athletics) and the same was not taken into account, and

that the respondents included his name in the list of rejection notice No. 203.

3. The applicant contends that he took part in the event of cross country

(athletics) and being a meritorious sports person, he was entitled to be extended the benefit of relaxation of age, by 5 years. He filed this OA with a prayer to grant relaxation of age.

4. On behalf of the respondents, counter affidavit is filed. It is stated that in the notification itself, various events, the participation in which would enable the candidates to claim the benefit of relaxation of age limit, is furnished, and that the event, said to have been participated by the applicant does not find place in it. Various contentions urged by the applicant are denied.

5. We heard Ms. Amita Singh Kalkal, learned counsel for the applicant and Mr. Mananjay Kumar Mishra, learned counsel for the respondents.

6. It is not in dispute that the applicant took part in the selection process and he was otherwise eligible on the basis of his merit. The only ground on which his candidature was rejected is that he crossed the age limit of 32 years. The notification itself mentioned that the meritorious sports persons are entitled for the relaxation of age limit by 5 years. list of sports events is also furnished with that. Athletics occurs at Sl. No. 2. The cross country event is a part of it. The applicant placed reliance upon the particulars furnished by the Athletics Federation of India.

7. The question as to whether the 'cross country' event is part of Athletics, from the point of respondents, needs to be examined. If there is any doubt in this behalf, the respondents can also consult the competent authority in this behalf. In case the event of 'cross country' is treated as a part of Athletics, the applicant shall be entitled to the benefit of age relaxation of five years. If any different action is taken in this behalf, the same shall be communicated to the applicant within a period of two weeks.

8. The OA is accordingly disposed of. There shall be no order as to costs.