

(2023) 08 DEL CK 0233

In the Delhi High Court

Case No : Civil Writ Petition No. 11132 Of 2023, Civil Miscellaneous Application
No. 43303 Of 2023

National Council Of Educational Research And Training

APPELLANT

Vs

Verander Prasad Bhatt & Ors.

RESPONDENT

Date of Decision : 25-08-2023

Acts Referred:

Citation : (2023) 08 DEL CK 0233

Hon'ble Judges : V. Kameswar Rao, J;Anoop Kumar Mendiratta, J

Bench : Division Bench

Advocate : Chetan Sharma, Ashok Kumar, Amit Gupta, Saurabh Tripathi,
Vikramaditya Singh, Ghanshyam Jha

Final Decision : Disposed Of

Judgement

V. Kameswar Rao, J

1. The challenge in this petition is to an order dated May 18, 2023 passed by the Central Administrative Tribunal ('Tribunal', for short) whereby the Tribunal while considering the prayer for interim relief by the petitioner vide MA 1782/2023 has stated as under:

"Prima facie, at this stage, since the applicants have made prescribed applications pursuant to the aforesaid• notification issued in April, 2023, the applicants have made out a case for consideration. The respondents are directed to accept the applications of the applicants provisionally and allow them to participate in the selection process, subject to the outcome of the present O.A.

It is made clear that though the applicant(s) have applied online, liberty is also granted to them to file manual applications as well. The date of written examination has not yet been notified. However, the respondents are directed to accept the applications of the applicants and process the same.

It may also be clarified that the present order will not give applicants an

indefeasible right for being appointed and the case of the applicant shall be adjudicated on the merits at the time of final disposal of the present O.A.

List on 30.05.2023 for further consideration on interim relief.”

2. The submission of Mr. Chetan Sharma, learned ASG appearing for the petitioner NCERT is, Tribunal while allowing the application has clearly overlooked the fact that the respondents are not entitled to the age relaxation as according to him, the respondents were working on contractual basis though doing Accounts job. As per the advertisement, the maximum age limit is 30 years and admittedly, respondents are beyond that age. He also submits that even otherwise three of the respondents were over-aged even on the date of advertisement. So in that sense, they are not entitled to the benefit of age relaxation being age bar on that date.

3. It is a conceded position that the matter is pending consideration before the Tribunal and the date of hearing is September 11, 2023. The Tribunal vide the impugned order has only directed the petitioner to accept the application of the respondents provisionally and allow them to participate in the selection process subject to the outcome of the OA pending before the Tribunal.

4. In the peculiar facts and circumstances of the case, this Court is of the view that the order passed need not be interfered with. It shall be appropriate for the Tribunal to decide lis pending between the parties in accordance with law.

5. All the pleas of the parties both on facts and in law are left open to be canvassed before the Tribunal.

6. Petition is disposed of.

CM APPL. 43303/2023

Dismissed as infructuous.