



GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092

F.1(177)/CC-II/DSSSB/10/2309-17

Dated: 6.3.2013

ORDER

Compliance of order/direction dated 08.11.2012 of the Hon'ble Central Administrative Tribunal as passed in OA No. 3780/ 2012 titled as Gajendra Singh V/s DSSSB & ors.

The Hon'ble CAT in OA 3780/2011, titled as Gajendera Singh V/s GNCTD & ors. vide its order dated 08.11.12 has directed as under:-

"3. In view of the above position, dispose of this OA at the admission stage without notice to the respondents but with the direction to the DSSSB to examine the case of the applicant, if he has not been recommended for appointment on the ground that he does not belong to any SC category from Delhi, in the light of the aforesaid judgment and pass a reasoned and speaking order. In case, this applicant is covered by the aforesaid judgement, he shall be recommended for appointment and all the benefits which have been granted to other candidates, except the back wages. Otherwise, the applicant shall be informed the reasons for his non-selection by way of a reasoned and speaking order. The DSSSB shall comply with the aforesaid directions, within a period of one month from the date of receipt of a copy of this order. In case, applicant is still aggrieved by the orders so passed by the DSSSB, he is at liberty to challenge the same through fresh appropriate proceedings."

In compliance of above order, the case of applicant i.e. Gajendra Singh Roll No. 02311885 has been re examined and it is hereby decided that:-

1. The applicant Sh. Gajendra Singh had applied for the post of TGT (English)(Male) under post code No.23/09. The DSSSB conducted the examination for this post on 27.9.2009,10.9.2009 &11.9.2009 and the result for the post code was declared on 31.3.2010.

2. The applicant Sh. Gajendra Singh was short listed in part – I examination in SC category on the basis of his claim in the application form. This was due to the fact that the Board did not conduct pre-examination scrutiny at the time of declaration of the result of Part I .

3. The candidate obtained 109/200 marks as per final merit list and thereafter his case was carefully examined before declaration of the result. The documents furnished by the candidate were scrutinized and it was observed that the applicant was a SC Outsider (Rajasthan) i.e. his SC certificate was issued by authority of Rajasthan. Accordingly he was not found eligible for appointment under SC category for the jobs under Govt of Delhi

4. As per the then existing policy of the Govt. of Delhi, the benefit of SC category was not admissible to SC outsider/ SC Migrants candidates instead they were considered under UR category only.

5. In the light of the judgment of the Hon'ble Supreme Court of India dated 04-08-02009 as passed in Civil Appeal No. 5092 of 2009 arising out of petition (s) for Special leave to Appeal (Civil) No.. (s) 24327/05- Subhash Chandra & Anr. V/s DSSSB & Ors., he was treated as SC outside (UR) thus not found eligible for selection under the SC category. The reservation policy was confirmed by Delhi High Court also in the case titled as DSSSB& ors vs Mukesh Kumar& others in WP(C) 610/2011& connected cases

6. Later, the Hon'ble High Court of Delhi has reconsidered its own decision in the matter titled Deepak Kumar & ors vs. District & Session Judge Delhi & ors. WPC No.5390/2010 and connected petitions decided on 12.9.2012. However, the result for the post of TGT (English-Male) post code 23/09 (Male) was declared before 12-9-2012., Therefore, the law as applicable on that date has to be followed. Accordingly, the result in this case does not require any change.

In view of the above facts, the applicant Gajendra Singh cannot be considered for selection to the post of TGT (English)) under post Code 23/09 under SC category, the result of which was declared before the decision of the Hon'ble High court of Delhi in the case referred above.

This issues with prior approval of the competent authority.

Sd-
Deputy Secretary CC -II

**Sh. Gajendra Singh
s/o Sh. Samander Singh,
R/o Mainawas Weir, Teh Weir,
Distt. Bharatpur, Rajasthan**

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Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PS to the Member, DSSSB.
3. PS to Secretary, DSSSB,
4. PS to COE, DSSSB
5. Dy. Secretary (Legal), DSSSB.
6. Programmer, IT Branch, with the request to upload the same on the website of DSSSB.
7. Notice Board.
8. Office order file.

Sd-
Deputy Secretary CC -II

