



**GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-92**

No. F.1 (223) /CC-II/DSSSB/2013/1258-65

Dated 04 /2 /2013

O R D E R

Subject:- Compliance of order/direction of the Hon'ble Central Administrative Tribunal dated 04.01.2013 as passed in OA 3703/2011, titled as Shri Sanjay Pal V/s GNCTD & Ors.

This is in pursuance of direction of Hon'ble CAT order dated 04.01.2013 in OA 3703/2011 titled as Shri Sanjya Pal V/s GNCTD & Ors. The Hon'ble CAT vide its order dated 04.01.2013 has directed as under:-

8" *Today when the matter was taken up for consideration, learned counsel for the parties have invited our attention to the judgment of the Hon'ble High Court of Delhi in the case of Deepak Kumar & Others V/s District & Sessions Judge, Delhi & Others (WP (C) No. 5390/2010 with connected petitions) decided on 12.09.2012 whereby the aforesaid restriction has been removed.*

9" *In view of the above, respondent No. 2- DSSSB is directed to re-examine the case of the applicant and if his case is covered by the aforesaid judgment of the Hon'ble High Court, he shall also be recommended for appointment to the post of Driver in DTC provided he fulfills all other conditions as per rules and necessary orders in this regard shall be issued within a period of one month from the date of receipt of a copy of this order. In that case, the applicant will be entitled for all consequential benefits which are being enjoyed by his batch mates except back wages. In case he is not found eligible for the aforesaid post for any other reason, he shall be informed about the same by issuing a reasoned and speaking order within the aforesaid period.*

10" With the aforesaid directions, this OA is disposed of. There shall be no order as to costs.

In compliance of above order, the case of applicant i.e. Shri Sanjay Pal, Roll No. 06535160 has been re-examined and it is found that:-

The applicant Shri Sanjay Pal had applied for the post of Driver (DTC) under post code 065/09. The DSSSB had conducted the examination for this post on 14/3/2010 and 21/3/2010 respectively. The applicant appeared in the written examination against the Roll No. 06535160 as OBC Candidate. The result of the written examination was declared on 06/12/2010, 14.06.2011 and 17.02.2012. On the basis of 57 marks secured by the applicant, he was short- listed under OBC category for appearing in Driving Skill

Test. The last short listed candidate in UR Category had obtained 58 marks. Applicant appeared in Driving Skill Test and as per the report of the evaluation board of the skill test, he was declared pass.

The dossiers of the candidates who had qualified the driving skill test were scrutinized to determine their eligibility as regards to their educational qualification and validity of caste certificate for seeking reservation. During the scrutiny of his dossier at the time of finalization of result it was observed that the applicant was on OBC of Uttar Pradesh. Accordingly, he was not found eligible for appointment under OBC category for the jobs under Govt. of Delhi.

As per the reservation policy of the Govt. of Delhi, the benefit of OBC category is not admissible to OBC outsider candidates therefore he was considered under UR category only.

The Hon'ble High Court of Delhi has cited the judgment of Hon'ble High Court WP(C) No. 5390/2010 titled Deepak Kumar & Ors Vs. District & Session Judge Delhi & Ors. In this regard, it is submitted that the said judgment of the Hon'ble Court is applicable only for SC/STs and does not apply for OBC category as observed by the Hon'ble High Court in Para No. 56, 57, 58 relation to OBC category. The Hon'ble High Court has rejected the claim of OBC outsider in WP(C) No. 816/2011 and 1713/2011.

In view of the above the applicant Shri Sanjay Pal cannot be considered for selection to the post of Driver (DTC) under post code 065/09 in OBC category.

This issues with prior approval of the competent authority.

Sd/-
Deputy Secretary CC-II

Shri Sanjay Pal S/O Sh. Arjun Singh,
R/O D-5/127, Brij Puri,
Gokul Puri,
Delhi-110094

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Copy for information and further necessary action to:-

1. P.S. to the Chairman, DSSSB.
2. P.S. to the Member, DSSSB.
3. P.A to the Secretary, DSSSB.
4. Deputy Secretary (Legal), DSSSB.
5. Programmer, IT Branch, with the request to upload the same on the website of the DSSSB.
6. Notice Board of DSSSB.
7. Office Order file.

Sd/-
Deputy Secretary CC-II