



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

No.F.1(166)/CC-II/DSSSB/2009/6008-15

Dated : 21/6/19

**RESULT NOTICE NO- 794
TEACHER (PRIMARY), POST CODE 16/08
MUNICIPAL CORPORATION OF DELHI**

1. It is stated that vide order dated 11.08.2016 by Ld. Central Administrative Tribunal in OA No. 3826/2013, titled as Rajni Meena & Ors. Vs DSSSB & Ors., the Ld. Tribunal has ordered as under:

“6.3 As far as limitation is concerned, Hon’ble High Court of Delhi in Ms. Nirmala’s case (Supra) has already set aside the order of this Tribunal dismissing a similar OA on the grounds of limitation. Thus, this issue stands settled. Since the result of the ST category has still not been declared by the respondents, the question of limitation in this case does not arise.

6.4 As far as merits of the case are concerned, the respondents have not disputed that the applicants were similarly placed as petitioners in the case of Ms. Babita Kumari (Supra), which was allowed by the Hon’ble High Court of Delhi following the judgment in the case of Deepak Kumar (Supra).

7. Accordingly, we allow this OA and direct the respondents to extend the benefit of the judgment of the Hon’ble High Court of Delhi in the case of Ms. Babita

Kumari (Supra) to the applicants herein as well. This benefit shall be extended to them within a period of 60 days from the date of receipt of a certified copy of this order. No costs.”

2. In compliance of the order dated 11.8.2016 of Ld. Tribunal, the Board issued a detailed speaking order No. F. 1(5327)/LC/DSSSB/16/42/1545-47, dated 02.02.2017 and the candidature of Ms. Rajni Meena remained unchanged (not qualified).
3. Ms. Rajni Meena filed Contempt Petition No. 633/2016 against the non-compliance of order dated 11.08.2016 passed in OA No. 3826/2013. The Ld. Tribunal dismissed the Contempt Petition and observed as under:

“6. From the above order dated 2.2.2017 issued by the respondent-DSSSB, it is clear that in compliance with the direction of the Tribunal in its order dated 11.8.2016 (ibid) the respondent-opposite parties have considered the cases of applicant-petitioners, but in view of the law laid down by the Hon’ble Supreme Court in Subhash Chandra & Anr. Vs DSSSB (supra) and further in view of the fact that the recruitment process had already been closed in the year 2010, they found it difficult to extend to applicant-petitioners the benefit of the judgment of the Hon’ble High Court of Delhi in the case of Ms. Babita Kumari (supra).

7. In Baburam Vs C.C. Jacob and other, (1999)3 SCC 362, the Hon’ble Supreme Court has observed that the prospective declaration of law is a devise innovated by the Apex Court to avoid reopening of settled issues and to prevent multiplicity of proceedings. It is also a devise



adopted to avoid uncertainty and avoidable litigation. By the very object of prospective declaration of law, it is deemed that all actions taken contrary to the declaration of the law prior to its date of declaration are validated. This is done in the larger public interest. Therefore, the subordinate forums which are legally bound to apply the declaration of law made by the Apex Court are also duty bound to apply such dictum to cases which would arise in future only. In matters where decisions opposed to the said principle have been taken prior to such declaration of law cannot be interfered with on the basis of such declaration of law.

8. *On the facts and in the circumstances of the case, compelling the respondent-opposite parties to extend to applicant-petitioners the benefit of the judgment of the Hon'ble High Court of Delhi in the case of Ms. Babita Kumar (supra) would be tantamount to this Tribunal directing the respondent-opposite parties to act in contravention of the law laid down by the Hon'ble Supreme Court in Subhash Chandra's case (supra).*

9. *In the above view of the matter, the respondent opposite parties cannot be said to have deliberately and willfully flouted the Tribunal's order dated 11.08.2016 passed in O.A. No. 3826 of 2013.*

10. *Furthermore, it is trite law that contempt jurisdiction is to be exercised sparingly and in very deserving cases only and not casually. Such a power is not intended to be exercised as a matter of course.*



11. In the light of what has been discussed above, we do not find a case of contempt of this Tribunal to have been made out against the respondent-opposite parties. Accordingly, the Contempt Petition is dismissed, and the notices issued against the respondent-opposite parties are discharged. No costs.”

4. Aggrieved with the Order dated 26.04.2017 of Ld. Tribunal in C.P. No. 633/2016, Ms. Rajni Meena filed a Writ Petition No. 6661/2017 titled as Rajni Meena & Anr. Vs DSSSB & Ors. in the Hon’ble High Court of Delhi.
5. The Hon’ble High Court vide 30.04.2019 has given the following order in the Writ Petition No. 6661/2017 filed by Ms. Rajni Meena & Anr.

“9. In view of the aforesaid position, we allow the present petition and set aside the impugned order passed by the Tribunal. We direct the respondents to declare the result of the petitioner within a week. In case the petitioner has secured higher merit than the last selected candidate in the Scheduled Tribe category, she shall be granted appointment. The same shall be notionally granted from the date when the same was granted to the candidate who would rank immediately below here in the ST category. She would be entitled to all notional benefits of seniority and increments/promotions. However, since she has not actually served on the post, she would not be entitled to any backwages.

10. We direct the respondents to ensure compliance of the order within the next four weeks.”



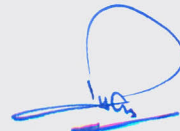
6. In this regard it is submitted that during the period 04.08.2009 to 12.09.2012 when the judgment dated 04.08.2009 of Hon'ble Supreme Court of India as passed in court case Civil Appeal No. 5092/2009 arising out of petition(s) for Special Leave to Appeal (Civil) No. (s) 24327/05 Subhash Chandra & Ors. Vs DSSSB & Ors. was the law of the land, the Board had not considered the candidature of any candidate who had submitted caste certificates of ST category which were not issued by the Competent Authority of Delhi.

7. However, in compliance of the order dated 30.04.2019 of Hon'ble High Court of Delhi as passed in WP (C) No. 6661/2017 titled as Rajni Meena & Ors. Vs DSSSB & Ors., the following candidate is hereby provisionally selected subject to fulfillment of eligibility criteria as per RRs to the Post of Teacher (Primary) in MCD under Post Code 16/08 in respect of ST category.

Sl. No.	Roll No.
1	1611817

8. The Competent Authority of the User Department concerned shall issue the appointment letter to the candidate after verification of the correctness of the information furnished in the application form and the documents related to education qualification, age and other essential certificates including caste certificate as per Government of India instructions issued in this regard vide MHA OM No. 2/29/54-RPS, 19.11.54.

9. **The User Department shall also check the eligibility of the reservation benefit, if any. Further, if applicable, User Department shall verify the genuineness of the Caste certificate furnished by the**



candidate prior to issuing offer of appointment to the candidates. The Competent Authority of the User Department shall arrange to verify the correctness of the information/documents as furnished in the application forms and e-dossier vis-à-vis the original documents. The User Department is requested to ascertain the scrutiny/correctness of the same at their own level before issuing the offer of appointment to the provisionally selected candidate. Further, the appointing authority shall verify and satisfy itself about the authenticity of documents/certificates and essential qualification for the post before finally appointing the candidate. The User Department is also requested to rectify/correct, in case, any minor/clerical error/deficiency noticed in the documents of the candidate at their own level.

10. User Department shall also get the ST certificate verified from the issuing authority.
11. The User Department shall ensure that the appointment made is in conformity with DOPT guidelines and instructions of Govt. issued from time to time.
12. Mere inclusion of the name of the candidate in the result notice does not confer any right upon the candidate over the post unless the User Department is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post.
13. While every care has been taken in preparing the result, the DSSSB reserves the right to rectify errors and omissions, if any.



14. **The selection/appointment of above mentioned candidate shall further be subject to outcome of the decision/clarification being sought by the Board from Hon'ble Supreme Court of India in the case of Bir Singh Vs Delhi Jal Board & Ors in Civil Appeal No. 1085/2013.**

15. This issues with the prior approval of the Competent Authority of DSSSB.



**Deputy Secretary
DSSSB**

No.F.1(166)/CC-II/DSSSB/2009/

Dated :

Copy forwarded for information to:

1. Jt. Secretary to Lt. Governor of Delhi, LG Secretariat, Delhi.
2. OSD to Chief Secretary of Delhi, Delhi Secretariat, Delhi.
3. Director, Directorate of Education, Old Secretariat, Delhi.
4. PS to Chairperson, DSSSB.
5. PA to Secretary, DSSSB.
6. Deputy Secretary (Legal) for the information of the Standing Counsel.
7. Reception Office/Notice Board/Guard File.

Copy forwarded for information and necessary action to:

- ✓ 8. System Analyst, IT Branch with the request to upload on the website of the Board.
9. Dy. Secy. (P&P Branch) in duplicate for intimation of user Department.



**Deputy Secretary
DSSSB**