



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

F.4(375)/CC-II/Court Case/PGT English/2012-13/ 132

Dated: 14/2/13

ORDER No.313

**Compliance of order/direction of the Hon'ble Central Administrative Tribunal
as passed in OA 2878/ 2012, titled as Mrs. Kusum Lata V/s DSSSB & ors.**

The Hon'ble CAT in OA 2878/2012, titled as **Mrs. Kusum Lata V/s DSSSB & ors.** vide its order dated 21.01.13 has directed as under:-

"In view of the above position, We dispose of this OA with the direction to the respondent No.1 - DSSSB to re-examine the case of the applicant herein also in the case of Deepak Kumar's case (Supra) and If her case is covered by the aforesaid judgment of the High Court of Delhi, she shall also be recommended for appointment to the post of PGT(English)(Female) under the Post Code 22/10 subject to her fulfillment of other required conditions. They shall also issue necessary orders within a period of one month from the date of receipt of copy of this order. In that case, she will also be entitled for all consequential benefits which are being enjoyed by her batch mates except back wages.

In compliance of above order, the case of applicant i.e Kusum Lata vide Roll No. 02213065 has been re examined and it is informed that:-

1. The applicant had applied for the post of PGT (English) under post code No.22/10. The DSSSB had conducted the examination for this post on 10.12.2011 and the result was declared on 17.8.2012.
2. The applicant Kusum Lata was short listed in part – I examination in SC category on the basis of her claim in the application form. This is due to the fact that the Board does not conduct pre-examination scrutiny at the time of declaration of the result of Part-I.
3. The candidate obtained 96/200 marks as per final merit list and her 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 Migrant i.e. her SC certificate was based on her father's caste certificate of Uttar Pradesh.

Accordingly, she 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., she being a SC migrant (UR) 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 & Anr. Vs. Mukesh Kumar & Others in WP(C) No. 610/2011 & connected cases.

6. Later, 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 PGT (English) post code 22/10 (Female) 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 Kusum Lata cannot be considered for selection to the post of PGT (English) under post Code 22/10 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.

Deputy Secretary
(CC –I)

Kusum Lata,
D/o Shri Parsu Ram
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Street No.8,
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Delhi-110032

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Dated: 14/2/13

Copy for information and further necessary action to:

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

Deputy Secretary
(CC –I)