

ORDER

Sub:- Compliance of the order dated 11.04.2013 of LD. CAT in OA. 980/2012 titled Ms. Richa Sharma Vs GNCTD & Ors.

The Hon'ble CAT in OA No. 980/2012 titled Richa Sharma V/s GNCTD & Ors vide its order dated 11.04.2013 has directed as under:-

"12. In the circumstances and for the aforesaid reasons, the OA is allowed. The respondents are directed to consider the applicant's case for appointment as librarian under the unreserved category as per her merit position against the unfilled vacancies of the advertisement No. 02/2007, and pass orders within sixty days from the date of receipt of a copy of this order. There shall be no order as to costs."

In compliance of the above order, the case of applicant Ms. Richa Sharma Roll No.: 01711231 has been reconsidered and it is found that:-

1. As per requisition forwarded by Directorate of Education, Government of NCT of Delhi, the Board advertised Thirty Three (33) vacancies under Unreserved category including Two (02) vacancies of HH & VH for the Post of Librarian in Directorate of Education, Government of NCT of Delhi vide advertisement no. 02/07 under post code 17/07. The two(02) vacancies for VH(1) and HH(1) remained unfilled in absence of candidate. Thus effectively there remained only Thirty One (31) vacancies for Unreserved Category in the aforesaid post code against which as per record Board has already recommended Twenty Eight (28) candidates to the user Department.
2. The applicant Ms. Richa Sharma had applied for the post of Librarian in the Directorate of Education under post code No.017/07, as Unreserved Category candidate. The DSSSB had conducted the examination for this post on 29.06.2008 and the result for the post code was declared on 18.01.2010.
3. The Result for Post Code 17/07 was declared vide Result Notice No. 66 dated 18-01-2010. The applicant Ms. Richa Sharma scored 93/200 marks in part-II (Descriptive) examination and last selected candidate (up to Thirty One (31) eligible candidates in Unreserved Category) named Sh. Ajay Kumar had secured 95/200 marks. The name of the last selected candidate Sh. Ajay Kumar was placed at S. No. 48 in merit list, whereas, applicant's name was placed at S. No. 63 in the merit list, and there were 14 candidates (in between her and last selected candidate) who were senior to the applicant on the basis of marks and date of birth. As per merit list, details in respect of Ms. Richa Sharma are as follows:

Merit No.: 63, Roll No.: 01711231, Name: Richa Sharma, Comm: Gen, Cat:-----
DOB:260283, Sel:S-GEN, Marks Part-II(Out of 200):93, Remarks:No Vacancy (UR)

As per record available in file, the list of candidates, who are ranked between the last selected candidate i.e Sh. Ajay Kumar and applicant is as follows:-

Sl. No.	Merit No.	Name of candidate Sh./Ms.	Marks obtained
1	49	Amit Kumar	95
2	50	Pratima Verma	95
3	51	Anupama	94
4	52	Seema Ahuja	94
5	53	Manoj Kumar	94
6	54	Sangita Singh	94
7	55	Jyoti	94
8	56	Beauty Singh	94
9	57	Priti Khera	94
10	58	Deepika Gupta	94
11	59	Vivek Johri	93
12	60	Abdul Mannan	93
13	61	Babita Rani	93
14	62	Niraj Kumar	93

4. In the declared result Twenty Three (23) candidates were provisionally nominated in unreserved category to user department and result in respect of Eight (8) candidates in unreserved category have been shown pending in said Result Notice No. 66 for want of documents.

5. Later on out of pending Eight(8) candidates, Board provisionally nominated following candidates in Unreserved category:

Sl. No.	Result Notice No.	No. of Candidates
1.	87 dated 11.03.10	UR:-3
2.	108 dated 06.08.10	UR:-1
3.	134 dated 27-01-2011	UR:-1
4.	159 dated 19-01-2012	UR:-01
5.	Corrigendum dated 14-10-11	Candidature rescinded UR-1

6. Thus out of Thirty Three (33) vacancies, Two (2) vacancies pertaining to VH and HH remained unfilled and against remaining thirty one (31) vacancies Board provisionally nominated Twenty Eight (28) number of candidates. Remaining Three (03) candidates were not selected as they were not found fulfilling eligibility conditions as per the statutory Recruitment Rules for said post.

7. At the time of recruitment for the said post, policy related to maintaining panels was governed by the instructions received from of Services Department, Government of NCT of Delhi vide letter no. F. 16(3)/DSSSB/2008/S-III/2360 dated 04-07-2008, wherein, it has been communicated that no additional/supplementary panel would be maintained. And accordingly, Board did not maintain any reserve list/panel for the said post.

8. With the approval of Government of NCT Delhi the policy related to maintaining a penal/reserve list/waiting list has been adopted by the Board w.e.f. 13-06-2013, after the directions of Hon'ble High Court in the matter of DSSSB Vs. Lokesh Kumar & Ors. in WP© 5236/2012, which is up to the extent of 10% of notified vacancies and with the validity of one year. This decision of the Board is not retrospective, as it would open a Pandora's Box and a large number of results would be affected. Moreover applicant is not even covered in case of a reserve list of 10% of notified vacancies.

This issues with prior approval of the competent authority.

(Prashant Raghav)
Dy. Secretary (CC-II)

MS. Richa Sharma D/o Sh. Harish Sharma
R/o, C-222, Hari Nagar, clock Tower,
New Delhi-110064.

F.1 (173)/CC-II/DSSSB/2009/ 6656

Dated: 25/7/13

Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PS to 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.

(Prashant Raghav)
Deputy Secretary (CC -II)