



F. No. 4(403)/DSSSB/CC-I/2015/18202-13

Dated:-20.07.2021

ORDER

Compliance of order/direction dated 17.03.2021 of the Ld. Central Administrative Tribunal as passed in OA No. 860/2016 titled as Dharmendar kumar and Ors. V/S G.N.C.T.D. and Ors.

The candidature of some candidates (including Sh. Dharmendra Kumar (Roll No. 17002196), Balveer Singh (Roll No. 17000123), Ravi Kumar (Roll No. 17000795), Ankit Kumar (Roll No. 18002579) and Reena Ray (Roll No. 18001461) was rejected vide Rejection Notice No.436 dated 03.02.2016 for the post of Special Education Teacher under Post Code 146/14 in Directorate of Education due to CTET acquired after cur-off date. These candidates filed OA No 860/2016 titled as Dharmendar Kumar and Ors. v/s G.N.C.T.D. and Ors against rejection of their candidature.

2. The Ld. CAT has disposed off the said OA No 860/2016 vide order dated 17.3.2021 with following direction:-

"7. We, therefore, dispose of the OA, directing that if the cases of the applicants are covered by the order passed in WP(C) No. 9040/2019 and the order dated 04.09.2020 issued by the DSSSB, necessary order shall be passed in this behalf after verification of the compliance with the other conditions. There shall be no order as to costs".

3. In pursuance of above order, Sh. Dharmendra Kumar (Roll No. 17002196), Balveer Singh (Roll No. 17000123), Ravi Kumar (Roll No. 17000795), Ankit Kumar (Roll No. 18002579) and Reena Ray (Roll No. 18001461) have submitted representations to DSSSB wherein they have requested to consider their cases & make their appointment at the earliest.

The extract of relevant paras of order dated 04.09.2020 of DSSSB, which needs to be examined viz-a-viz case of applicants as per order of court are reproduced below:-

"4.Now the South Delhi Municipal Corporation vide their communication bearing No.D/DDE/Admn./Edu./Hq./SDMC/2020/93 Dated 08.07.2020 has communicated to the Board as follow:- "... in compliance of the direction passed by the Hon'ble High Court of Delhi dated 21.03.2019 in W.PC No. 9040/2019 titled Praveen Khatri and Ors Vs Govt. of NCT of Delhi & Ors, the Education Department of South Delhi Municipal Corporation had sent a proposal to the Hon'ble Lt. Governor, Delhi through Director (Local Bodies) to grant relaxation as per power confirmed in clause 5 of RRs to the post of Special Educator (Primary) in Municipal Corporation of Delhi (2012) (South, East and North Delhi Municipal Corporation) in the following matters:-

- 1. To consider the CTET qualification of the candidates who are otherwise qualified and obtained the CTET qualification after the cut-off date before their appointment to the post of Special Educator (Primary) under post code 15/17.*
- 2. To relax the age of candidates who are otherwise qualified for appointment to the post of Special Educator (Primary) under post code 15/17.*

In this regard, Hon'ble Lt. Governor, Delhi has granted one time relaxation of age and CTET qualification to the otherwise qualified candidates who have obtained the CTET qualification after the cut-off date but before their appointment and age relaxation even if they may have become overage for the post of Special Educator (Primary) as advertised vide post code no. 15/17.

Further, grant of age relaxation to the candidates, otherwise eligible, has been considered on same lines as done by Education Department, GNCTD recently for Special Education Teachers vide order has been considered vide No. F.209/DDE (IEDSS)/ Court File/2016-17/CD No. 043457883/9931-37 dated 06.12.2019.

This shall not be treated as precedent for any future recruitment for the post of any other posts."

5. It may be seen from the above order that the relaxation by Competent Authority was specific for the post code 15/17 only and not for post code 146/14 or any other post codes. The User Department has sought the dossiers for the post code 15/17 and not in the case of post code 146/14 as it was not applicable to it. DSSSB shall follow the instructions of User Department.

6. It is evident from the above that the case of the applicant candidates are not covered by the order passed in WP(C) 9040/2019 and order dated 04.09.2020 of DSSSB as it has clearly been mentioned in the said order itself that the relaxation was given by the competent authority 'as **one time relaxation of age and CTET qualification**' and '**...shall not be treated as precedent for any future recruitment for the post or any other posts.**'

7. In view of the above facts, the claim and candidature for selection to the post of Special Education Teacher under Post Code 146/14 in Dte. of Education, GNCT of Delhi in respect of the petitioners/applicants Sh. Dharmendra Kumar (Roll No. 17002196), Balveer Singh (Roll No. 17000123), Ravi Kumar (Roll No. 17000795), Ankit Kumar (Roll No. 18002579) and Reena Ray (Roll No. 18001461) has been considered, examined and not found admissible in view of the facts mentioned above, hence rejected.

8. These issues with approval of the Competent Authority.


Dy. Secretary, DSSSB

To,

1. Dharmendra Kumar S/o Samay Singh,
R/o B-251, Subhash Vihar, Street No. 13/8,
North Ghonda, Delhi-110053.
2. Balveer Singh s/o Soran Singh,
Vill & Post -Samara, Distt - Agra (UP)
3. Ravi Kumar s/o Shri Pradeep Kumar)
C-152, DDA Flats, New Ranjeet Nagar , New Delhi 08
4. Ankit Kumar,S/o Rajesh Kumar,
25, Dwarika Enclave, Sahibabad,
Ghaziabad, (UP) 201005.
5. Reena Ray D/o Sh. Chaneshwar Ray
D-220, Mahavir Enclave, Part-3, Street No. 53,
Near Dwarka Sector- 1, New Delhi-110059.

Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. The Director of Education, GNCTD, Old Secretariat, Delhi-110054 with reference to direction dated 17.03.2021 of CAT in OA No. 860/2016 being respondent No. 2 in the said OA.
3. Sr. PA to Member, DSSSB.
4. Sr. PA to the COE, DSSSB.
5. Dy. Secretary (Legal), DSSSB.
6. ✓ Programmer, IT Branch, with the request to upload the same on the website of DSSSB.
7. Officer Order file.

Dy. Secretary, DSSSB