



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

F.1 (166)/CC-II/DSSSB/2009/

Dated:

ORDER

Compliance of order/direction dated 07.12.2012 of the Hon'ble Central Administrative Tribunal as passed in OA 1516/2011 and connected OA No.3607/2010, TA No.72/2010, TA No.74/2010, TA No.76/2010 and TA No.77/2010 titled as Mr. S.P.Yadav & Ors as mentioned in judgment V/s DSSSB & ors.

The Hon'ble CAT in above mentioned Judgment/Order dated 07.12.2012 has directed as under:-

"5. In view of the above position, we allow all the aforementioned MAs and dispose of the respective OAs/TAs by this common order, with a direction to the respondent-DSSSB to re-examine the cases of the applicants herein in the light of the aforesaid judgment. If their cases are covered by the same, they shall be recommended for appointment subject to fulfillment of other necessary conditions, within a period of one month from the date of receipt of a copy of this order. On receipt of the recommendations from the DSSSB, the user department under the GNCT of Delhi shall also consider them for appointment under them, within the next one month thereafter. We also make it clear that if the applicants succeed, they shall be given all consequential benefits, as their batch mates have been given, except the back-wages. In case of any other impediment in their appointments, they shall be informed about the same by a reasoned and speaking order within the aforesaid period. There shall be no order as to costs."

In compliance of above order, the case of applicant Sanjay Kumar Roll No.01628578 was re examined and could not be considered for selection as Teacher (Primary) MCD, under post code 016/08 under SC category as the result for the post code 16/08 was declared much before the decision in the matter of Deepak Kumar & Ors V/s. District & Session Judge Delhi & Ors. WPC No.5390/2010 and connected petitions decided on 12.9.2012. However, the result for the post of Teacher (Primary) MCD post code 016/08 was declared before 12-9-2012. The directions of Ld. CAT thus were complied in letter and spirit.

Further, order dated 06.11.2013 of Ld. CAT in OA No. 761/2013 to 769/2013 titled Satya Narayan Arya & Ors. (as mentioned in the Judgment) V/s DSSSB & Ors. (wherein Sh. Sanjay Kumar was one of the petitioner) directed as under:-

"11. In view of the aforementioned, we dispose of these Original Applications with a direction to the respondent- Delhi Subordinate Services Selection Board to reexamine the claim of the applicants in view of the directions contained in Paragraph 66 of the Judgment of Full Bench of hon'ble High Court of Delhi in **Deepak Kumar's case**. It goes without saying that the action to be taken by the respondents would be subject to the outcome of the view to be taken by the Hon'ble supreme Court in **Sandeep Kumar's case** (Supra and the clarification of the Judgment in the case of Deepak Kumar by the Hon'ble High Court of Delhi, if any. No cost.

Ld. CAT also disposed off a contempt petition in CP No. 506/2013 in TA No. 76/2010 titled Anju V/s Sh. Ashish Kumar, Dy. Secretary (CC-II), DSSSB with following directions:-

"5. In view of the above position, we are of the considered view that this contempt petition does not survive. Accordingly, notice issued to the alleged contemnor is discharged. However, we direct the respondents to ensure that the aforesaid order of this Tribunal dated 7.12.2012 in TA No. 76/2012 and reiterated by the other Bench vide order dated 6.11.2013 in OA No. 765/2013 and other connected cases be implemented positively within a period of one month from today. They shall also file necessary compliance affidavit in this case.

In compliance of various order, as detailed above, the case of applicant Sh. Sanjay Kumar was again examined and it is observed as under:-

1. The applicant Sanjay Kumar had applied for the post of Teacher (Primary) MCD under post code No.016/08. The DSSSB had conducted the examination for this post on 15.02.2009 and the result for the post code was declared on 06.10.2009.

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2. The applicant Sanjay Kumar was short listed in part- I examination in Gen category on the basis of his/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 116/200 marks as per final merit list and his/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 from outside Delhi. Accordingly he was not found eligible for appointment under SC category for the jobs under Govt. of Delhi.

4. That applicant Sh. Sanjay Kumar completed his requisite education in Haryana and as per his application form he is resident of Village- Chhapra, Tehsil- Gohana, Distt. Sonipat in Haryana.

5. That applicant has filed his cast certificate issued from Sub Divisional officer, Gohana, Distt- Sonipat vide their No. 1331/GSD dated 30.12.2003, and is a bonafide resident of Haryana.

6. That Hon'ble High Court of Delhi while deciding a WP(C) No. 3049/2012 in titled Ravindra Devi V/s GNCT of Delhi & Ors. has interpreted decision in S. Pushpa's and concluded as under:-

"26. Ravindra Devi, the writ petitioner of WP© No. 3049/2012 has been unsuccessful before the Tribunal. She claims benefit of reservation on the strength of a certificate issued by the competent authority in the state of Haryana certifying she belonging to the Scheduled Caste "Chamar".

27. The reason given by the tribunal to deny her relief is wrong, being that the certificate produced by her has been issued by an authority in Haryana. But she would not be entitled to any relief because admittedly she resides in Haryana and it had not her case that she is ordinarily a resident of Delhi. The law declared in S. Pushpa's case (Supra) is that a person who is a member of a Scheduled Caste in a particular State would be entitled to reservation in a Union Territory provided he is ordinarily a resident of the Union Territory.

28. WP© No. 3049/2012 is accordingly dismissed. "

7. That applicant Sh. Sanjay Kumar is identically placed as Ravindra Devi and he is not an ordinary resident of Delhi.

In view of above facts, on re-examination of the case of Sh. Sanjay Kumar in the light of decision in the matter of Deepak Kumar & Ors. V/s District & Session Judge Delhi & Ors. read with case of Ravindra Devi V/s GNCT of Delhi & Ors., it is observed that subject to any further clarification from Government or any other court of law, candidate is not eligible to be considered in SC category under post code 016/08 i.e. Teacher (Primary).

This issues with prior approval of the competent authority.


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

Sh. Sanjay Kumar S/o Sh. Ishwar Singh,
VPO-Chhapra, Tehsil- Gohana
Distt.-Sonipat, haryana

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Dated: 19/05/14

Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PA to the Member-I, DSSSB.
3. PA to the Member-II, DSSSB
4. PA to Secretary, DSSSB
5. Sr. PA to COE, DSSSB
6. Dy. Secretary (Legal), DSSSB.
7. SA (IT) with the request to upload the same on the website of DSSSB.
8. Notice Board.
9. Office order file.


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