



Govt. of NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, Institutional Area, Karkardooma,
www.dsssb.delhigovt.nic.in - Delhi - 110302. Ph.
22370237

OFFICE ORDER NO. 326

Dated: 06/5/2014

ORDER

The Hon'ble CAT vide its order 06-11-2013 in TA No.43/2013 CWP No. 2243/2011 titled Sunil Kumar V/s DSSSB & others directed that :-

"In view of the aforementioned, we dispose of this OA with a direction to the respondents to examine the validity of the candidature of the applicant in SC category keeping in view of the judgement of Delhi High Court in Deepak Kumar & Ors (supra) within three months from the receipt of a copy of this order. It goes without saying that the respondents shall abide by the outcome of the clarification of the said order, if any by the Hon'ble Delhi High Court and the proceeding before Larger Bench of Hon'ble Supreme Court in State of Uttranchal Vs. Sandeep Kumar Singh. ."

In view of above, it is informed that the applicant i.e. Sunil Kumar who as per marks obtained is at 55th rank in the list of SC category against the 13 (thirteen) vacancies available under the SC category, could not be selected when the result was processed as per judgement dated 04-08-2009 of Hon'ble Supreme Court of India as passed in Civil Appeal No.5092/09 (arising out of SLP civil No. 24327 of 2005)- Subhash Chandra & Ors. Vs. DSSSB & Ors. with WP (C) No. 507 of 2006-Sarv Rural & Urban Welfare Society Vs. UOI & Ors.

That there were a total of thirteen vacancies under SC category which were filled up from candidates belonging to SC category of Delhi origin only as per the merit list. Initially 09 SC candidates were selected vide Result Notice No.203 dated 19-01-2011 are annexed as ANNEXURE-'I' and other four vacancies in SC category remained unfilled as no other Delhi Origin SC candidates who had obtained marks 70/200 and above was available for selection. The recruitment process for the post of TGT (Hindi)(Male), Post Code-03/10 was subsequently closed with the approval of the Competent Authority by the Board. A copy of vacancy position of TGT (Hindi) (Male), Post Code-03/10 sent to the user deptt. i.e. Dte. of Education, GNCTD after the closure of recruitment process is annexed as ANNEXURE 'II'.

That the candidature of the applicant i.e. Mr. Sunil Kumar was not considered and declared as 'Not Eligible' due to being SC Outsider. There were 45 other candidates, who were above the applicant in the merit list of SC category, but their candidature was also not considered and they were declared as 'Not Eligible' due to being SC outsider.

It is seen that the SC certificate submitted by the applicant, has been issued by UP Government, therefore, the applicant is SC Outsider. Hence, the submission of the applicant i.e. Mr Sunil Kumar that he is

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an SC of the state of Delhi by origin is incorrect and liable to be rejected.

It is note worthy that there are 45 (forty five) candidate come above the applicant in the merit list and even if, any vacancy in the said post code would have existed or the result would have been processed according to the direction of the Hon'ble High Court in Deepak Kumar's case, then also the applicant could not have been selected as he is below in merit and does not find place in first 13 SC candidates , against the available 13 vacancies of SC category of the said post of TGT (Hindi) Male, Post Code 03/10. In fact, the merit position of the applicant in the SC category is 55th (Fifty five) against only 13(Thirteen) vacancies which were available under the SC category in the Post code 03/10, TGT (Hindi) Male.

In view of above, the applicant Sh. Sunil Kumar cannot be considered for selection to the Post of TGT (Male) (Hindi),post code 03/10.

This issues, with the approval of Competent Authority.

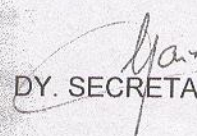
Encl: As above

DY. SECRETARY (CC-I)

No.F.4(387)/CC-I/ TGT(Hindi)/DSSSB/2012-13/234 Dated:06/5/2014.

Copy to:-

1. Sr.PA to Chairman. DSSSB.
2. PA to the Member. DSSSB.
3. Sr. PA to the C.O.E. DSSSB.
4. Dy. Secretary, Legal Branch (in duplicate) with the request to apprise the Hon'ble CAT through Govt. Counsel regarding the compliance of the order.
- ✓ 5. Programmer, IT Branch, with the request to upload the order on the website of DSSSB.
6. Mr. Sunil Kumar, S/o Sh. Ram Dass,C/o Fauko Ratan Sing., R/o House No.322, Street No. 7, New Rajeev Colony, Narela, Delhi-110040.
7. Notice Board.
8. Office Order file.


DY. SECRETARY (CC-I)