



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

F. No. 4 (445)/DSSSB/CC-I/2016/ 574-580

Dated: 12.06.2023

ORDER

SUB: Compliance of order dated 15.03.2023 passed by the Ld. CAT in OA No. 228/2018 in the matter of Poonam Rana VS. GNCT of Delhi & Ors.

WHEREAS, the Ld. CAT of Delhi vide its order dated 15.03.2023 in OA No. 228/2018 in the matter of Poonam Rana VS. GNCT of Delhi & Ors., has directed as under:

"5.4. ----In view of the decisions supra, the matter is no more res integra. It has been clarified that the term 'employees of MCD' that the intention was to include all employees of MCD irrespective of their being contractual or ad hoc.

5.5 In conspectus of the facts and circumstances of the case, we are of the considered opinion that the applicant is entitled to the benefit of maximum age prescribed for departmental candidates. Therefore, the impugned Office Notice No.577 dated 21.09.2017 whereby candidature of the applicant was rejected on account of her being over age, is quashed and set aside. The respondents are hereby directed to consider her candidature for recruitment as A.N.M. granting her age relaxation upto 35 years, as available to departmental candidates. The respondents are further directed to declare the result of the applicant, if she is otherwise found eligible and suitable as per her merit in the selection process. She be offered appointment as ANM from the date her immediate junior (as per merit) had been appointed. If the applicant is appointed, she would be entitled to consequential benefits only on a notional basis.

5.6 The exercise, as ordained above, shall be completed by the respondents within a period of three months from the date of receipt of a certified copy of this order

5.7 The instant OA is disposed of in the aforementioned terms".

BRIEF FACTS:-

2. AND WHEREAS, DSSSB invited total 225 vacancies (UR- 116, OBC-60, SC-33, ST-16), including PH-07 (OH-OL) for the post of Auxilliary Nurse/Midwife, under post code 14/14 in MCD vide Advertisement No. 01/14. The prescribed cut-off date for determining the eligibility of the candidates was the closing date for receipt of applications for the respective post on **27.02.2014**.

3. Essential Qualification:

- (a) Matric pass from a recognized University/ Board or equivalent.
- (b) Qualified Midwife registered with Nursing Counsel of India as Auxilliary Nurse/Mid wife.

Desirable: A. Professional experience in Govt./Semi Govt. Hospital/Nursing Homes/Welfare Centre.

B. Working knowledge of Hindi.

4. **Age Limit:** 18-27 years relaxable for SC/ST-05 years, OBC-03 years, PH-10 years, PH & OBC 13 years PH & SC/ST-15 years, Govt. Servants and employees of MCD upto 35 years.

5. Written examination for the said post was held on **26.04.2015**. Marks were awarded out of maximum marks of 200. Thereafter, the marks obtained by the candidates for Post Code 14/14 were uploaded on the Website of the Board vide Public Notice No. 46-53 dated 19.01.2016. Subsequently, 315 candidates were shortlisted for different categories for submission of their documents in Board office on 18.05.2016 & 19.05.2016 vide Public Notice No. 687-691 dated 05.05.2016. Further **51** fresh candidates who were not called earlier were also called for submission of documents alongwith the absentee candidates vide Result Notice no. 520 dt. 01.08.2016.

6. AND WHEREAS, It is stated that the applicant Poonam Rana, the petitioner herein had applied for the above mentioned post code under OBC category and sub category of Government servant and employee of MCD and was issued Roll. No. 81003897. She appeared in the written examination and secured 70 marks.

7. AND WHEREAS, during the scrutiny of the dossiers, it was noticed that the candidate was not a regular employee of MCD, hence as per prevalent practice in the Board at that time, she was not eligible for the upper age relaxation limit available for govt servants and employees of MCD. The date of birth of the applicant Poonam Rana (Roll. No. 81003897) is 12.11.1983 and thus she was more than 30 years old as on cut off/closing date (**27.02.2014**) and thus was overage even after grant of age relaxation of 3 years as OBC candidate as maximum age limit for OBC candidate was 30 years on closing date. Hence, she was declared "Not Eligible" due to 'overage' vide Rejection Notice No. 577 dated 21.09.2017.

8. AND WHEREAS, applicant Poonam Rana (Roll. No. 81003897) filed an appeal in Ld. CAT vide OA No. 228/2018, titled as 'Poonam Rana VS. GNCT of Delhi & Ors' against the Rejection Notice No. 577 dated 21.09.2017 of DSSSB with request to direct to respondents to give the appointment giving her age relaxation (As employee of MCD). The Hon'ble CAT of Delhi vide its order dated 15.03.2023 has directed the respondents to consider her candidature for recruitment as A.N.M. granting her age relaxation upto 35 years, as available to departmental candidates with further direction to declare the result of the applicant, if she is otherwise found eligible and suitable as per her merit in the selection process and also she be offered appointment as ANM from the date her immediate junior (as per merit) had been appointed.

9. AND WHEREAS, it is the prerogative of the user department to decide whether applicant Poonam Rana (Roll. No. 81003897) is considered as departmental candidate and granted age relaxation upto 35 years in compliance of above order or they want to file an appeal in the higher court against the above order.

10. AND WHEREAS, to declare the result in compliance of above order of Hon'ble Court, DSSSB has examined the case of Ms. Poonam Rana (Roll. No. 81003897) afresh to find out whether she is otherwise eligible and suitable as per her merit in selection process.

11. AND WHEREAS, it is found that the marks of the applicant Poonam Rana (Roll. No. 81003897), OBC candidate under post code 14/14 was 70 and the marks of last provisionally nominated candidates in each category for the post of Auxilliary Nurse/Midwife, under post code 14/14 are as under:-

CATEGORY	UR	OBC	SC	ST
MARKS of last selected candidate	89.50	70.25	73.50	60.00

12. AND WHEREAS, it may be seen that the applicant Poonam Rana (Roll. No. 81003897), OBC is below in the merit from the last selected candidate as the marks of last selected candidate in her category are 70.25 whereas her marks are 70.

13. AND WHEREAS the Recruitment process for the said post has already been closed on 29.07.2018 and the waiting panel has also expired on 21.09.2019. Further, no vacancy under OBC category is remaining unfilled except one OBC vacancy, which is kept pending due to direction of Ld. CAT in the matter of 'Archana Vs DSSSB in OA No 3823/2017. The candidate Archana, with 73.5 marks, is above in the merit list from applicant Poonam Rana, with 70 Marks. All other remaining vacancies (PH & ST category only) have been returned/surrendered to User Department as no suitable candidate was available in respective categories for selection.

14. NOW, THEREFORE, in compliance of order dated 15.03.2023, passed by the Ld. CAT in OA No. 228/2018 in the matter of Poonam Rana VS. GNCT of Delhi & Ors, the case of Ms. Poonam Rana (Roll. No. 81003897) has been examined afresh and it is found that she cannot be nominated for selection as she is below in the merit from the last selected candidate and no vacancy is remaining unfilled in her (OBC) category.

This issues with the approval of the Chairman, DSSSB.



DY. SECRETARY
DSSSB

To,

**Ms. POONAM Rana D/O Sh. Satbir Singh Rana,
R/o-102, Mohmmadpur,
Post Office Alipur,
Delhi- 110036.**

F. No.4 (445)/DSSSB/CC-I/2016/ 574-580

Dated :12.06.2023

Copy to:-

1. PS to Chairman, DSSSB.
2. PS to COE, DSSSB.
3. **Dy. Secretary (Legal), DSSSB.**
- ✓ 4. **Sr. System Analyst (IT), DSSSB with the request to upload notice on Board's Website.**
5. PS to Commissioner MCD, Hospital Administrative Department, HQ-18TH Floor, Dr. Shyama Prasad Mukherjee Civic Centre, New Delhi-110002.
6. Notice Board/ Office Order file.



DY. SECRETARY
DSSSB