



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

F.1(186)/CC-II/DSSSB/2011/Part/471-477

Dated: 15.1.13

ORDER

Compliance of order/direction dated 29.11.2012 of the Hon'ble Central Administrative Tribunal as passed in OA 4622/ 2011 titled as Ms Nirmal Sagar Rani V/s GNCTD & ors.

The Hon'ble CAT in OA 4622/2011, titled as Ms Nirmal Sagar V/s GNCTD & ors. vide its order dated 29.11.12 has directed as under:-

"In view of the above position, we direct the respondents-DSSSB to re-examine the case of the applicant in the light of the aforesaid judgment of the High Court. If the applicant's case is covered by the aforesaid judgment, the respondents shall consider giving her appointment to the post of TGT (English) treating her as scheduled caste candidate and pass appropriate orders in that regard. They shall comply with this order within two months from the date of receipt of a copy of this order."

In compliance of above order, the case of applicant i.e. Ms. Nirmal Sagar, Roll No. 217233 has been re examined and it is hereby decided that:-

1. The applicant Ms Nirmal Sagar had applied for the post of TGT (English)(Female) under post code No.02/10. The DSSSB had conducted the examination for this post on 06.06.2010 and the result for the post code was declared on 11.3.2011.
2. The applicant Ms Nirmal Sagar was short listed in part – I examination in SC category on the basis of her claim in the application form. This was due to the fact that the Board did not conduct pre-examination scrutiny at the time of declaration of the result of Part I .
3. The candidate obtained 80/200 marks as per final merit list and thereafter 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 Outsider (U.P) i.e. her SC certificate was issued by authority of U.P/ on his father's caste certificate of Uttar Pradesh. Accordingly she was not found eligible for appointment under SC category for the jobs under Govt of Delhi
4. As per the then existing policy of the Govt. of Delhi, the benefit of SC category was not admissible to SC outsider/ SC Migrants candidates instead they were considered under UR category only.
5. In the light of the judgment of the Hon'ble Supreme Court of India dated 04-08-02009 as passed in Civil Appeal No. 5092 of 2009 arising out of petition (s) for Special leave to Appeal (Civil) No.. (s) 24327/05- Subhash Chandra & Anr. V/s DSSSB & Ors., she was treated as SC outside (UR) thus not found eligible for selection under the SC category. The reservation policy was confirmed by Delhi High Court also in the case titled as DSSSB& ors vs Mukesh Kumar& others in WP(C) 610/2011& connected cases

6. Later, the Hon'ble High Court of Delhi has reconsidered its own decision in the matter titled Deepak Kumar & ors vs. District & Session Judge Delhi & ors. WPC No.5390/2010 and connected petitions decided on 12.9.2012. However, the result for the post of TGT (English) post code 02/10 (Female) was declared before 12-9-2012., Therefore, the law as applicable on that date has to be followed. Accordingly, the result in this case does not require any change.

In view of the above facts, the applicant Ms. Nirmal Sagar cannot be considered for selection to the post of TGT (English)) under post Code 02/10 under SC category, the result of which was declared before the decision of the Hon'ble High court of Delhi in the case referred above.

This issues with prior approval of the competent authority.

Sd-
Deputy Secretary CC -II

**Ms. Nirmal Sagar
w/o Sh. Amit Kumar,
R/o 186/187,Block I,
Shiv Ram Park,
Qamruddin Nagar,
Nangloi,
Delhi,**

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Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PS to the Member, DSSSB.
3. Dy. Secretary (Legal), DSSSB.
4. Programmer, IT Branch, with the request to upload the same on the website of DSSSB.
5. Notice Board.
6. Office order file.

Sd-
Deputy Secretary CC -II