



GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA,
DELHI-110092
Website: www.dsssb.delhigovt.nic.in

No.F.No.6373/LC/DSSSB/18 /4342

Dated: 12/04/18

ORDER

This order shall dispose of the representation of Sh. Sandeep Sirohi, dated 02.01.2018 in compliance of the directions of interim directions of Hon'ble CAT order dated 20.12.2017.

2. The candidature of Sh. Sandeep Sirohi was rejected for the post of TGT (Computer Science), Post Code-192/14 under OBC category for not having the OBC (Delhi) certificate issued by the concerned Revenue Authority.

3. The Board advertised the vacancies, inter-alia for the post of TGT (Computer Science), Post Code-192/14 vide advertisement No.1/14 and the crucial date of determining the eligibility was fixed as 27.02.2014. In para No.8(ii) of the said advertisement it has been clearly mentioned that "*OBC benefit shall be given only to the candidates having certificates issued by competent authority Govt. of NCT of Delhi.*"

4. The applicant, Sh. Sandeep Sirohi applied for the said post under OBC category. He was, therefore, issued admit card to appear in the examination as per the information provided by him in the application form. It has been clearly mentioned in para No.8 (ii) of advertisement No.1/14 that the Board reserves the right to reject the candidature of any ineligible candidate at any stage of

5. A common examination was conducted on 28.12.2014 and since the applicant scored 97.25 marks and was falling in the consideration zone, he was directed to upload the documents on the e-dossier portal. The candidate in addition to the documents in support of his educational qualification has submitted OBC Certificate

issued by the SDM, Saraswati Vihar on 09.09.2009 on the basis of the OBC certificate issued to his father Sh. Neer Pal, who is a resident of Vill Bhiravati, Tehsil, Syana, UP.

6. As per the policy of Government of Delhi, the following two types of certificates are considered as valid certificates for grant of benefit of reservation to OBCs in civil posts under Govt. of NCT of Delhi.

1. OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of any old certificate issued to any member of individual's family from GNCT of Delhi.

352/17
12/04/18

2. OBC certificate issued by a Competent Authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. This certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of NCT of Delhi to any family member of the concerned person who had been residing in Delhi before 08.09.1993.
7. As per the reservation policy for OBCs in Delhi, the OBC persons on migration from the State of his/her origin in another State/UT are issued OBC certificates to avoid inconvenience to the candidates for claiming the OBC benefits from the State of his/her origin and not in Delhi. As such, the candidates can seek benefit of his/her OBC certificate issued to him/her in Delhi in his/her State of origin and not in the state of Delhi.
8. Since the OBC (Certificate) issued to Sh. Sandeep Sirohi was issued on the basis of OBC certificate issued to his father, Sh. Neer Pal, who is a permanent resident of Vill Bhiravati, Tehsil, Syana, UP and not fulfilling the eligibility conditions for grant of OBC (Delhi) benefits as per the instructions contained in Services Department, Branch-IV, Govt. of National Capital Territory of Delhi circular No.F.19(01)/2012/S.IV/1241-1258 dated 28/07/2016, his candidature was considered under UR category. The last selected candidate under UR category scored 98.50 marks whereas the applicant scored 97.25 marks and, therefore, his selection under UR category could not be considered.
9. The applicant aggrieved at the rejection of his candidature filed an Original Application in the Hon'ble CAT vide OA No.4075/2017 praying therein that the respondents be directed to consider his candidature in view of the fresh OBC certificate issued by Executive Magistrate, Saraswati Vihar dated 23.10.2017.
10. The father of the applicant is not a permanent resident of Delhi and might have migrated to Delhi at a much later date than the cut off date 08.09.1993, prescribed by the Delhi Government for extending OBC(Delhi) benefits. The applicant as an afterthought obtained the OBC (Delhi) certificate and that too after the declaration of result by misrepresenting the facts before the Certificate Issuing Authority.
11. The Hon'ble CAT vide interim order dated 20.12.2017 has directed the respondents as under:-

"It is directed that the appointment/selection of the last selectee in OBC category shall be provisional in nature and subject to the rights of the applicant in the present OA. The last selectee shall be communicated about this order of the Tribunal. The applicant is also directed to make a representation within two weeks along with the OBC certificate to the respondents for their consideration. The same shall be considered and decided by the Competent Authority within four weeks thereafter."

12. The Board considered the representation of the applicant dated 02/01/18 and it is found that he has not brought any new facts in his representation except stating that he has scored much higher marks than the last candidate nominated in OBC category and, therefore, requested to consider him under OBC category as per the directions of Hon'ble CAT interim order dated 20.12.2017.

13. Keeping in view the facts explained above, the Board has rightly denied the benefit of reservation to the candidate under OBC category on account of failure on his part to submit OBC (Delhi) certificate. As no new facts have been brought by the candidate before the Board vide the said representation, there is no need for review of the decision already taken regarding rejection of his candidature.

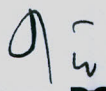
14. This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble CAT.

15. Let this order be served upon Sh. Sandeep Sirohi.


Dy. Secretary, DSSSB

Sh. Sandeep Sirohi,
S/o Sh. Neer Pal Singh,
R/o B-5/392, Sector-03, Rohini,
Delhi-110085

- ✓ 1. **Sr. System Analyst** with the request to upload the order on the website of the Board
2. Notice Board


Dy. Secretary, DSSSB