



GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092

No.F.3 (25-33//Result/DSSSB/CC-III/8589-95
19/12/2012

Dated:

ORDER

Sub: Compliance of Order/ direction of the Hon'ble CAT passed in OA NO.3359/2012 titled as A.K.Rakesh Vs DSSSB and Ors.

The Hon'ble CAT vide its order dated 05.10.2012 in OA No.3359 of 2012 titled as A.K.Rakesh Vs DSSSB & Ors. has passed the following order.

4. “ We are, therefore, of the considered view that this OA can be disposed of at admission stage itself by directing the respondents to consider the case of the applicant and pass a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order. While doing so, the respondents may also consider the present OA and submissions made therein as the representation on behalf of the applicant. If the grievance of the applicant in this OA is genuine and factually correct, the respondent shall take appropriate corrective steps in the matter. Further, if there are any valid reasons for rejecting the applicant's case for selection, they shall pass a reasoned and speaking order under intimation to him. The aforesaid directions shall be complied with within a period of one month from the date of receipt of a copy of this order.

In compliance of above court direction, the case of Sh. A.K. Rakesh for the post of Lecturer- II (Math) under post code-21/07, has been re-examined and decided as under:

1. The Board has filled up all 03 notified vacancies for the post of Lecturer-II (Math) i.e. (UR-02, SC-01) from the eligible meritorious candidates in each category.
2. The cut off marks of last selected candidates under UR category was 156/200 and under SC category were 114/200. Further, under the SC Category, only those candidates were considered eligible who were possessing SC certificate of Delhi origin only, i.e., SC Migrant and outsider were considered ineligible.
3. Accordingly, the SC Migrant/SC Outsiders were considered under UR category only. In the case of applicant Shri A.K. Rakesh, he was shortlisted under SC category in the Part-I Examination and hence he could not be considered under UR category. Moreover, he also secured less marks than the last selected candidate under UR category i.e. 156/200.
4. As regard the claim of Shri A.K.Rakesh for consideration under SC category, as already stated in above paras, as per the then existing policy of the Govt. of Delhi, the benefit of SC category to SC outsider/ SC Migrants candidates is not being extended instead they are considered under UR category only. He was shortlisted under SC category in Part-I examination. This is due to the fact that the Board does not conduct pre-examination scrutiny and the claim of the candidate/ applicant was considered in SC category. However, during the final preparation of result, the documents furnished by the candidate were scrutinized and it was observed that the applicant was SC Migrant i.e. his SC certificate was based on his father's caste certificate of Uttar

Pradesh. Therefore, the eligible candidate under SC category in the merit i.e. Shri Sanjeev Kumar, who scored 114/200 marks was selected against one SC post.

5. The Caste certificate submitted by him is based on his father's caste certificate of Uttar Pradesh as migrant SC and in the light of the judgment of the Hon'ble Supreme Court of India dated 04.08.2009 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., he was treated as SC migrant (UR) thus not found eligible for selection.

This issues with the approval of the Competent Authority, DSSSB.

S/d-

(Ashish Kumar)
Dy. Secretary (CC-III)

**Sh. A.K. Rakesh S/o Late Sh. Ashrafi Lal,
D-63, Gali NO. -3, Laxmi Nagar,
Near Shiv Mandir, Delhi-92**

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

S/d-

(Ashish Kumar)
Dy. Secretary (CC-III)