



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. (8387)/LC/DSSSB/22/ 1950-52

Dated: 24/02/2023

ORDER

This order shall dispose of the representations dated 22.03.2021 & 17.01.2022 filed by Ms. Shivangi Tomar (Roll No. 411032100413), a candidate for the post of Special Educator (Primary) under Post Code-32/21 in MCD in compliance of the directions of Hon'ble Central Administrative Tribunal order dated 01.02.2023 in OA No. 461/2022 & MA No. 1535/2022, in the matter of Shivangi Tomar V/s Govt. of NCT of Delhi and Ors.

The Hon'ble Tribunal while disposing the Original Application has directed the respondents to decide the representations dated 22.03.2021 & 17.01.2022 of the applicant within a period of three weeks from the date of receipt of a certified copy of this order. The applicant vide his representations dated 22.03.2021 & 17.01.2022 has stated as under:-

"4.5 That while submitting her details online, the applicant mistakenly indicated herself to be a General Candidate. Immediately she attempted to correct her category but was not able to do so. On the very next day, she visited DSSSB office and submitted her written application dated 22.03.2021 for correction.

4.11 That the applicant uploaded her documents by way of e-dossier module on 17.01.2022. Alongwith her documents, she submitted an application dated 17.01.2022 for rectification in her category status from UR to OBC."

Brief facts of the case :-

As per requisition received from the Municipal Corporation of Delhi, the DSSSB advertised the following vacancies vide its Advertisement No. 01/2021 dated 04/03/2021:-

Post Code & Post Name	Vacancies	EWS	UR	OBC	SC	ST	PwD- OH	PwD- VH
32/21 Special Educator (Primary)	1126	54	487	328	164	93	23	22

TC

(Contd. p/2-

The applicant, Ms Shivangi Tomar had also applied for the said Post and her detail is as under:

Post Code & Name of Post	Name of applicant & D.o.B.	Roll No. & Category applied	Marks obtained
32/21 Special Educator (Primary) in MCD	Shivangi Tomar 24.04.1996	411032100413 UR	101.32

The DSSSB vide Notice No. 1337 dated 05.01.2022 declared the category-wise cut-off marks for short listing the candidates for uploading the e-dossiers/documents. As per said Notice No. 1337, the e-dossier link for uploading the documents was activated from 13.01.2022 to 27.01.2022.

The cut-off marks for uploading of e-dossier for UR category was 98.98 marks. Since, the applicant in OA, Ms. Shivangi Tomar (Roll No. 411032100067) had applied under UR category candidate, she was also eligible for uploading the documents/e-dossiers and accordingly she uploaded the e-dossier.

As regards applicant's prayer to change her category from UR to OBC and to consider the candidature of the applicant under OBC category, it is submitted that Board maintains the category declared by the candidate in his/her online application form throughout the selection process.

The vacancies for the Post of Special Educator (Primary) under Post Code 32/21 were advertised vide Advertisement No. 1/21 dated 04..03.2021 and at Point No. 5 (ii) of said Advertisement, it is categorically and specifically mentioned that "No request for change of Category will be entertained at any later stage".

It is further submitted that the entire process of receiving online applications is through online system and without human intervention. The category of the candidate cannot be changed after filling of online application form.

Further, at the time of filling application form all applicants submit the declaration that:-

- I hereby certify that all statement made in this application are true, complete and correct to the best of my knowledge and belief and have been filled by me.*
- I also declare that I have submitted only one application for one post code in response to the advertisement.*
- I have read all the provisions mentioned in the advertisement/notice of examination carefully as published in the website of DSSSB and I hereby undertake to abide by them.*

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- d) I understand that in the event of information being found false or found incorrect at any stage prescribed in the notice or any ineligibility being detected before or after the examination, my candidature/selection/appointment is liable to be cancelled/terminated automatically without any notice to me and action can be taken against me by the DSSSB.
- e) The information submitted herein shall be treated as final in respect of my candidature for the post applied for through this application form.
- f) I also declare that I have informed my Head of Office/Department in writing that I am applying for this post/examination (for Government Employees only).

It is apparent and evident that applicant filled the application form after reading all the conditions and instructions given in advertisement for the said post. At Point (e) applicant has submitted that the information submitted shall be treated as final in respect of her candidature for the post applied for through application form.

Further, vide Advertisement No. 01/21 dated 04.03.2021 all the candidates of post code 32/21 were informed that:-

Note:-

1. The candidate must apply Online only. No other mode of application shall be accepted.
2. The candidates must read the INSTRUCTIONS FOR APPLYING ONLINE carefully, which is available at <https://dsssonline.nic.in> (when candidate login for filling up of application) before filling up Online Application Form for the Post(s) concerned.
3. Benefit of reservation for various categories i.e. SC/ST/OBC/EWSs etc. shall be given as per the policy of Govt. of Delhi.
4. Successful candidates will be required to submit legible self-attested copies of the documents, Admit Card containing signature of invigilator (used in examination) along with the hard copy of printout of online application form in OARS at the time of verification of documents (any information contained in the attached certificates shall not be considered unless it is claimed in the application form).
5. The centers for holding the examination will be in Delhi/NCR only.
6. The candidates must carry in original Adhaar Card/any other Govt. issued identity proof to the examination centre, failing which they shall not be allowed to appear for examination.

At Point No. 4 of advertisement, it has been categorically mentioned informed that "any information contained in the attached certificates shall not be considered unless it is claimed in the application form. Here the applicant had not mentioned her category as OBC, therefore, neither her OBC certificate can be considered after filling of application form nor her request for change of her category from UR to OBC can be acceded to.



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It is also worthwhile to mention the following judgment of Hon'ble Supreme Court, Hon'ble High Court and Ld. Tribunal: -

1. The Hon'ble Supreme Court allowed appeal in the case of Rajasthan High Court, Jodhpur V/s Neetu Harsh in Civil Appeal No. 6696/2019 (Arising out of SLP No. 18973 of 2017) vide order dated 29/08/2019.
2. Coordinate Bench of Delhi High Court in the case of Pooja Shrawat V. Govt. of NCT of Delhi in W.P. (C) No. 12563/2018 decided on 26/11/2018 and in somewhat similar matter titled Sonal Panwar V. DSSSB, through its Secretary in W. P. (C) No. 9464/2019.
3. The WP (C) 11940/2019 in the matter of Amardeep V. Govt. of Delhi was dismissed by Hon'ble Delhi High Court vide judgment dated 15/11/2019 with a view that once the petitioner applied in the general category, it is not possible to change the category once the process had commenced.
4. Ld. Tribunal dismissed an O.A. No. 2988/2019 vide its judgment dated 9/10/2019 wherein it has been mentioned that the entire process of receiving applications, tabulation of marks and selection of candidates, is through online system and human intervention is virtually minimum. The social status of the candidate cannot be changed at this stage.
5. The Ld. Tribunal in its order dated 08.01.2019 in the matter of Sandeep Kumar Vs. GNCTD in OA No. 3702/2017 has considered the submission of the Board that as per the Policy, DSSSB maintains the category of candidate as filled by the candidate in his/her online application form. Accordingly, the OA was dismissed by the Ld. Tribunal

In view of above mentioned facts and judgments of Hon'ble Supreme Court, Hon'ble High Court and Ld. Tribunal, the candidature of applicant namely Ms. Shivangi Tomar (Roll No. 411032100413) cannot be considered for the Post of Special Educator (Primary) under Post Code 32/21 and her representations dated 22.03.2021 & 17.01.2022 are accordingly disposed of.

This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble Central Administrative Tribunal vide order dated 01.02.2023 in O.A. No. 461/2022 and MA No. 1535/2022.

Let this order be served upon Ms. Shivangi Tomar (Roll No. 411032100413), a candidate for the post Special Educator (Primary) under Post Code 32/21.

DY. SECRETARY (CC-II)

Ms. Shivangi Tomar,
D/o Sh. Pratap Singh Tomar,
R/o A-08/14, 2nd Floor, Sector-15,
Rohini, New Delhi-110089

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Dated: 24/02/2023

Copy to:-

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



DY. SECRETARY (CC-II)