



F.No. 4(480)/DSSSB/CC-I/2018/

Dated:-

ORDER

Compliance of order/direction dated 01.03.2019 of the Hon'ble Central Administrative Tribunal (CAT) as passed in OA No. /100/723/2019 and MA NO.808/2019 & 809/2019 titled as Shiv Kumar Malik V/s Chief Secretary, Govt. of NCT Delhi & Others.

The Hon'ble CAT in OA No. 723/2018 and MA NO.808/2019 & 809/2019 titled as Shiv Kumar Malik V/s Chief Secretary, Govt. of NCT Delhi & Others. Vide its order dated 01.03.2019 has directed as under:-

"The Delhi Jal Board proposed to appoint the Junior Engineers (Electrical & Mechanical) and accordingly entrusted the selection process to Delhi Subordinate Services Selection Board (DSSSB), the 2nd respondent herein. The applicant responded to the Vacancy Notice / Advertisement No.01/15. He belongs to OBC category. It is stated that he appeared in the two examinations conducted for this purpose and secured 72.25 marks. The cut-off marks for OBC category is 69.75.

2. The applicant contends that subsequent to declaration of result, he was required to upload his details through e-dossier and accordingly, he did that. The respondents declared the final result on 01.02.2019 through Notice No.759. As many as 23 candidates were selected under the OBC category. However, the roll number of the applicant did not figure therein.

3. The applicant submitted a representation dated 04.02.2019, stating that though 20 candidates were required to upload their e-dossiers, 23 candidates were appointed and his name did not figure therein. His grievance is that no order has been passed thereon. In this O.A. the applicant has challenged the final result.

4. We heard Mr. Davinder N Grover, learned counsel for applicant at the stage of admission.

5. The selection process involved various stages. The applicant cleared both the written examinations and was even required to upload his details through e-dossier. On consideration of the candidates, the respondents have declared the final result. The impugned order does not disclose the number of marks secured by the selected candidates. Obviously for this reason, the applicant is of the view that some irregularity has taken place in the selection process. We are of the view that the respondents can clarify the manner in which 23 candidates were selected and the circumstances under which the applicant was not selected.

6. We, therefore, dispose of this O.A. requiring the 2nd respondent to pass an order on the representation dated 04.02.2019 submitted by the applicant, within a period of two weeks from the date of receipt of a copy of this order."

Accordingly, in compliance of the above order dated 01.03.2019, the candidature of Shiv Kumar Malik (Roll No. 16403140) OBC category was thoroughly examined and it is seen that as per requisition received from the User department (Delhi Jal Board), the DSSSB advertised **total 91 (UR-48, OBC-24, SC-13, ST-06, including PH-HH-01 & PH-OH-02)** vacancies for the post of Junior Engineer (E&M) under Post Code 30/15 vide advertisement No. 01/15. The cut-off date for the Post Code 30/15 was 26.11.2015.

The Tier-I written examination was conducted on 24.09.17 and result was declared vide result notice no. 426 dated 04/05/2018. Thereafter, the Tier-II written examination was conducted on 03.06.2018. Further, vide Notice No. 700 dated 01.08.2018 read with addendum No. 735 dated 05.11.2018, total 170 candidates were shortlisted for uploading their dossier through e-dossier module. The E-dossier link was activated w.e.f. 03.08.2018 to 17.08.2018.


On the basis of marks obtained in Tier-II written examination and as per scrutiny of documents/E-dossier furnished by the candidates, the result has been declared vide result notices no. 759 dated 01.02.2019 and subsequent Result Notice No. 769 dated 27.02.2019.

The recruitment process for the post of Junior Engineer (E&M) under Post Code 30/15 in Delhi Jal Board has already been closed on 01.02.2019. The wait list panel in r/o UR, OBC, SC, ST an PH (OH) category has been maintained and the same is valid up to 31.01.2020. Total unfilled vacancies (PH-HH-01) have been returned to the user department i.e. Delhi Jal Board as no suitable candidate was available in the respective category.

On perusal of his representation dated 04.02.2019 in compliance of order dated 01.03.2019 passed by Ld. CAT, it has been noticed that the petitioner is aggrieved due to fact that he had not been selected for the Post Junior Engineer (E&M) in OBC Category. It is stated by the candidate in his representation dated 04/02/2019, that cut off marks for OBC Category was 69.75 and he scored 72.25 marks i.e. more than cut off marks. The candidate has also mentioned the fact that vide notice no. 700 dated 01.08.2018 total 20 candidates were shortlisted in OBC category for uploading of e-dossier, whereas, in the result notice no. 759 dated 01.02.2018, total 23 candidates have been selected in OBC category.

THE PETITIONER SHIV KUMAR Malik applied in OBC category for the post of Junior Engineer (E&M) under Post Code 30/15 in Delhi Jal Board and was allotted Roll No. 16403140. He appeared in Tier-I and Tier-II examination held on 24.09.2017 & 03.06.2018 respectively. The petitioner/applicant had obtained 72.25 marks out of 200 marks in Tier-II exam. **Since, the last selected candidate in OBC category obtained 74.25 marks, therefore, being lower in marks, the applicant/petitioner Shiv Kumar Malik having Roll No. 16403140 could not be selected for the post of Junior Engineer (E&M) under Post Code 30/15 in Delhi Jal Board.**

The candidate has misinterpreted/misunderstood the cut-off-marks for OBC category as 69.75 marks which was **ONLY for short listing for calling of e-dossier purposes**. Further, it is stated that out of 91 vacancies, a total 170 dossiers were called in different categories and the result was prepared on the basis of marks secured in written examination (Tier-II), after preliminary scrutiny, as per the provisions of the RRs for the post and as per documents submitted by the candidates through e-dossier.



However, the petitioner/candidate is in wait list of OBC category as on date. The waiting panel is valid upto 31.01.2020 and as per record available, no dossier has been returned by the User Department till date. Therefore, the candidate/petitioner could not be nominated for the post of Junior Engineer (E&M) under Post Code 30/15 in Delhi Jal Board.

In view of the above facts, the claim and candidature for selection to the post of Junior Engineer (E&M) under Post Code 30/15 in Delhi Jal Board in respect of the petitioner/applicant Shiv Kumar Malik having Roll No. 16403140 has been considered & examined and not found admissible in view of the facts mentioned above and hence rejected.

This issues with prior approval of the Competent Authority.


Dy. Secretary

F.No. 4(480)/DSSSB/CC-I/2018/ 3781

Dated:- 03/06/19

Copy for information and further necessary action to:

1. PS to the Chairperson, DSSSB.
2. Sr. PA to the COE, DSSSB.
3. Dy. Secretary (Legal), DSSSB.
- ✓ 4. Programmer, IT Branch, with the request to upload the same on the website of DSSSB.
5. Sh. Shiv Kumar Malik, S/o Sh. Satyapal Malik, R/o D-4/12, Vashisht Park, Opposite Janak Cinema, Pankha Road, New Delhi:-110046.
6. Notice Board.
7. Officer Order file.


Dy. Secretary