



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

F. No. 4(403)/DSSSB/CC-I/2015/Vol-I/683-88

Dated: 05.07.2023

ORDER

SUB: In compliance of order dated 10.05.2023, passed by the Ld. CAT in O.A. No. 1360/2023 & M.A. No. 1513/2021 in the matter of Chandan Sharma Vs. GNCTD & Ors.

WHEREAS, the Ld. CAT, Principal Bench, New Delhi vide its order dated 10.05.2023 in O.A. No. 1360/2023 & M.A. No. 1513/2021 in the matter of Chandan Sharma Vs. GNCTD & Ors., has directed as under:

"8. Therefore, the present OA is disposed of with a direction to the competent authority of the Govt. of NCT of Delhi to decide the representation preferred by the applicant on 19.10.2020 in accordance with the rules and taking into Consideration the facts and merits of the case. Since a considerable time has since elapsed, we afford a liberty of two weeks from today to the applicant to make a supplementary/ additional representation, if he is so inclined.

9. The competent authority shall, thereafter take an appropriate decision upon the said representation and pass a reasoned order within a period of eight weeks.

10. While disposing of the OA in the light of these directions, we would like to emphatically state that neither have we examined nor commented upon the merits of the claim of the applicant".

2. AND WHEREAS, in pursuance of above order of Hon'ble court, Sh. Chandan Sharma has furnished a fresh representation dated 13.06.2023 to DSSSB, in addition to his earlier representations dated 19.10.2020. Briefly, the grievance of the applicant in these representations is as under:

(a) DSSSB advertised vacancies for the posts of Special Education Teacher, post code No. 146/14 in Directorate of Education vide Advertisement No 01/2014 dated 27.1.2014, inviting applications for total 669 vacancies (UR-242, OBC-237, SC-124, ST-66 (including PH-OH-10 & PH-VH-14)). The closing date for submission of application was 27.02.2014. The applicant, Chandan Sharma applied for the said post, appeared in written examination, held on 19/10/2014 and secured 88.00 marks. He obtained more marks than the marks of last selected candidate in UR category who obtained only 80 marks. But his candidature was rejected by DSSSB vide Rejection Notice No 436 dated 03.02.2016 on the ground that **"Below 60% marks in CTET as UR Candidate."** In the representation it is alleged that the rejection is unjustified and illegal because he had acquired CTET certificate as on closing date.

(b). He has also given example of Order dated 21.08.2019 of Division Bench of the Hon'ble Delhi High Court in WP (C) No. 9040 of 2019 title "Praveen Khatri & Ors. Vs. Govt. of NCT of Delhi & Ors.", directed the DOE to consider grating relaxation to the candidates seeking appointment on the post of Special Education Teacher in CTET qualification. In

pursuance of which the Hon'ble Lt. Governor of Delhi vide Order dated 06.12.2019 had granted one time age relaxation of 10 years to the candidates seeking appointment on the post of Special Education Teacher in Directorate of Education and the Director of Local Bodies, Govt. of NCT of Delhi vide Order dated 13.03.2020 granted relaxation of CTET qualification to otherwise qualified candidates for the post of Special Educator (Primary) as advertised vide post Code: 15/17.

(c). Thereafter, the Hon'ble Central Administrative Tribunal vide Judgment/Order dated 17.03.2021, passed in OA No. 860 of 2016, titled Dharmendra Kumar & Ors. Vs. Govt. of NCT of Delhi & Ors., inter-alia, directed the DOE to consider the candidature of similarly placed candidates therein for CTET qualification relaxation if the cases of the candidates therein are covered by the Order passed in WP (C) No. 9040 of 2019 and the Order dated 04.09.2020 issued by the Delhi Subordinate Services Selection Board (DSSSB).

(d). In the light of above, the candidate has lastly requested to consider his candidature for appointment on the post of Special Education Teacher (Post Code 146/14) and appoint him with all the consequential benefits.

3. AND WHEREAS, it is submitted that the applicant Shri Chandan Sharma applied for the post of Special Education Teacher under Post Code No. 146/14 in Directorate of Education under OBC Category. Accordingly, he appeared in the written examination, held on 19/10/2014 vide Roll No. 17001062 and secured 88.00 marks. On the basis of his marks, he was shortlisted for submitting documents to the Board for scrutiny.

4. AND WHEREAS, during scrutiny of the documents, it was found that the petitioner Sh. Chandan Sharma was not belonging to OBC (Delhi) rather he was OBC (Outsider) as per his OBC certificate, issued from Patna, Bihar. Hence, being OBC outsider, his candidature was treated as UR (General Category) and not as OBC (Delhi). It was further found that he had qualified one of the essential qualifications viz. CTET under OBC category (With 83 marks), after availing relaxation of 5% marks available for OBC candidates. In other words, he failed to obtain minimum qualifying/passing marks of 90 (60% of maximum marks of 150), required for passing CTET exam for UR/General Candidates. Since the candidate had not qualified CTET Exam under UR/General category, he was not found eligible under UR category, hence, his candidature was rejected vide **Rejection Notice No. 436 Dated 03/02/2016**.

5. AND WHEREAS, with regard to Order dated 21.08.2019 of Division Bench of the Hon'ble Delhi High Court in WP (C) No. 9040 of 2019 title "Praveen Khatri & Ors. Vs. Govt. of NCT of Delhi & Ors." as quoted by the applicant, it is submitted that the said judgment is not applicable on the facts of the instant case. The said orders pertained to the grant of age relaxation and relaxation for acquiring CTET qualification after cut-off date which is different from the case of the applicant which is about not qualifying CTET as UR candidate. Moreover, the relaxation given in the said case was a one-time relaxation applicable to only that particular case/post code with clear cut direction that the said order shall not be treated as precedent for any future recruitment for the post or any other posts.

6. AND WHEREAS, the matter of the applicant is similar to the matter of Pradeep Kumar, SLP(C) No. 11254 of 2019, because the applicant held the CTET certificate as on cut-off date and the same certificate was provided to DSSSB at the time of document verification, but the candidate therein qualified CTET exam with 5% relaxation of marks, as an OBC candidate. It has already been decided by Apex Court in aforesaid SLP that candidates who have qualified CTET after availing relaxation of marks in OBC category, are not eligible under UR category.

7. **NOW, THEREFORE,** in view of above, the request of the petitioner, Sh. Chandan Sharma, Roll No. 17001062 has been examined, considered and not found admissible in view of the facts mentioned above, hence rejected.

8. This issues with the approval of the Chairman, DSSSB.

DY. SECRETARY
DSSSB

To,
Sh. Chandan Sharma, S/o Sh. Surendra Sharma,
R/o Village- Kurasan, P.O.- Bhabha,
Distt.- Kaimur, Bihar-821101

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Copy to:-

1. PS to Chairman, DSSSB.
2. PS to COE, DSSSB.
3. **Dy. Secretary (Legal), DSSSB.**
4. **Sr. System Analyst (IT), DSSSB with the request to upload notice on Board's Website.**
5. Notice Board/ Office Order file.

DY. SECRETARY
DSSSB