



F. 4(499)/DSSSB/CC-I/2019/ 469-74

Dated: 23./06/2025

ORDER

SUB: Compliance of order/direction dated 26.05.2025 of the Hon'ble High Court as passed in WPC no 7293/2025 titled as DSSSB & Others vs Sunanda.

1. **WHEREAS**, the Hon'ble High Court of Delhi vide its order dated 26.05.2025 passed in WPC No 7293/2025, titled as DSSSB & Others vs Sunanda, has directed as under:

"10. Keeping in view the fact that the certificate which appears at page 103 of the paper book was admittedly submitted within the cutoff date by the respondent, we dispose of this petition by directing the petitioners to consider the case of the respondent in terms of the said certificate. We make it clear that in such consideration, the certificates at pages 102 and 104 shall not be considered by the petitioners.

11. In case the said certificate does not meet the requirements as per the advertisement, the petitioners, while rejecting the candidature of the respondent, shall communicate the reasons thereof to the respondent within a period of four weeks from today. It shall then be open to the respondent to challenge the said decision in accordance with law.

12. However, if the respondent is found eligible for being considered against the OBC category, further process in terms of the direction of the Impugned Order shall be undertaken by the petitioners within the same period.

13. The appeal, along with the pending application, is disposed of in the above terms and directions."

2. **AND WHEREAS**, Delhi Subordinate Services Selection Board (DSSSB), vide Advertisement No. 02/17 dated 07.08.2017, announced the recruitment of 4366 Primary Teacher vacancies (UR - 1610, OBC-1286, SC-714, ST-756 including PH-VH-

[Signature]
23/6/25

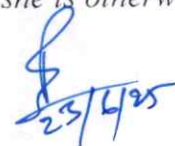
288) under Post Code 16/17 for the Municipal Corporation of Delhi (MCD). Later on, in supersession of the vacancy notice for the post code 16/17, Board had advertised afresh 4366 vacancies (UR-1610, OBC-1286, SC-714, ST-756 including PH-VH-381, PH-OH-93) for the post of Teacher (Primary) under post code 01/18 in MCD vide its Advertisement No. 01/2018 dated 26.06.2018. DSSSB vide addendum no. F. 2(164)/DSSSB/P&P/17/1176 dated 11.02.2019 revised the vacancies in respect of PH-OH category only. The vacancies in respect of PH-OH category raised to 133 instead of 93. However, the total vacancies remained the same. **Cut-off-date: was** 15.9.2017 for post code 16/17 and was 30.07.2018 for post code 01/18.

3. **AND WHEREAS**, the candidate Ms. Sunanda applied for the post of Teacher (Primary) in MCD under OBC Category for the Post Code 16/17 & 01/18, after that Board issued the Admit Card to the applicant vide Roll No. 2800089540 in OBC Category. The applicant appeared in the said exam and secured 110.21 marks. She was shortlisted for uploading dossiers from 05.02.2019 to 14.02.2019 in OBC category for the abovementioned post code vide notice no 760 dated 01.02.2019.

4. **AND WHEREAS**, During the verification of documents, it was noticed that the OBC certificate of the applicant no 90509819493272 dated 27.08.2014 issued by the SDM, Shahdara was for appointment to the post of Government of India as it is clearly mentioned in the said certificate. Hence she was granted another opportunity vide Supplementary Result Notice no 1110 dated 17.07.2020 to upload the requisite documents (i.e. OBC (Delhi) certificate as on cutoff date) through e-dossier portal 1st recall from 23.07.2020 to 01.08.2020. However, she failed to upload the same, and 2nd recall/final opportunity was also given to the candidate vide Supplementary Result Notice no 1241 dated 13.01.2021 from 19.01.2021 to 23.01.2021. Since the candidate failed to upload her OBC (Delhi) certificate in the e-dossier module within the stipulated time period, despite being given ample opportunities. Therefore, her candidature could not be considered under the OBC category. The same was communicated through Supplementary Result Notice No. 1266, dated 06.04.2021, which was published on the Board's official website.

5. **AND WHEREAS**, aggrieved with the Supplementary Result Notice No. 1266, dated 06.04.2021, Ms. Sunanda approached the Hon'ble CAT vide OA no 967/2021. The Hon'ble CAT vide order dated 24.09.2024 allowed the OA, stating as under: -

"5.1 In view of the aforesaid, we allow this OA. The rejection of the candidature of the applicant for the post in question is quashed and set aside. Accordingly, the respondents are directed to treat the candidature of the applicant under "OBC" category and, thereafter, offer her appointment letter to join, if she is otherwise found



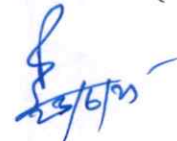
eligible. However, the applicant shall be placed below the last selected candidate in her category. This exercise shall be completed within a period of two month from the date of receipt of a certified copy of this order. Needless to say, that the actual benefits shall accrue to the applicant from the date of her joining.

5.2 *All pending MAs, if any, shall also stand disposed of. No costs."*

6. AND WHEREAS, Thereafter, the DSSSB approached the Hon'ble High Court for setting aside the above mentioned order of Ld. Central Administrative Tribunal, vide WPC no 7293/2025. The Hon'ble High Court of Delhi vide order dated 26.05.2025 has directed to consider the case of respondent in terms of certificate at page 103 of the paperbook without considering certificates at Page 102 and 104 of the paperbook. Further, the Hon'ble High Court of Delhi has also directed to communicate the same to the respondent within a period of four weeks from May 26, 2025.

7. AND WHEREAS, page no. 103 of the paper book contains the Non-Creamy Layer Certificate dated 11.09.2017 of Ms. Sunanda, daughter of Sh. Ajit Kumar. As per the advertisements No. 02/17 and 01/18, the posts for which the candidate had applied required OBC candidates to be in possession of a Non-Creamy Layer Certificate along with a caste certificate. However, the candidate failed to upload a OBC (Delhi) certificate within the stipulated time, despite being given ample opportunities. As clearly stated in the Result Notice no. 1241 dated 13.01.2021, if a candidate fails to upload the requisite documents through the e-dossier portal within the prescribed period, his/her candidature shall be rejected, and no further opportunity for submission will be provided. Since the candidate, Ms. Sunanda failed to upload the requisite documents, her claim for reservation under OBC category cannot be considered.

8. NOW, THUS THEREFORE, the claim of the respondent, Ms. Sunanda, daughter of Sh. Ajit Kumar, has been re-examined in compliance of order dated 26.05.2025 of Hon'ble High Court of Delhi in WPC no 7293/2025. The certificate at page no 103 of paperbook in the Hon'ble High Court order is Non Creamy Layer only. The issue of acceptance or rejection of the Non Creamy Layer will arise only after the acceptance of OBC certificate. When the OBC certificate in question, is not being recognized by DSSSB, there is no relevance of Non Creamy Layer certificate. When eligibility on the first count i.e. OBC is not being taken into consideration, Non Creamy Layer certificate has no relevance at all. Therefore, as already communicated earlier in its order no 1266 dated 06.04.2021, the candidature of Ms. Sunanda is being rejected in OBC category being devoid of any merit in the case. After due consideration, Ms. Sunanda (Roll no -


29/6/25

2800089540) has not been found eligible for nomination for the post of Teacher (Primary) under post code 16/17 and 01/18 as she failed to submit OBC (Delhi) certificate issued before cut-off date i.e. 15.9.2017 for post code 16/17 and 30.07.2018 for post code 01/18. Further the applicant cannot be granted reservation as OBC (Delhi) candidate on the basis of only Non-Creamy Layer certificate. Hence, her request for consideration for selection to the post under the Government of NCT of Delhi has been found to be not admissible. Accordingly, the status of the candidature of the applicant for the above said post remains unchanged (not qualified).

This issues with the approval of the Chairman, DSSSB.

**DY. SECRETARY
DSSSB**

To,

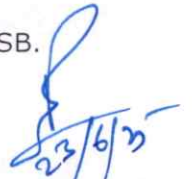
Ms. Sunanda d/o Sh. Ajit Kumar
R/o 42-B, DDA Flats, Mansarovar Park, Shahdara,
Delhi 110032

F. No. 4(499)/DSSSB/CC-I/2019/

Dated: / /2025

Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. Sr. PA to the COE, DSSSB.
3. Dy. Secretary (Legal), DSSSB.
4. Sr. SA (IT Branch), with the request to upload the same on the website of DSSSB.
5. Notice Board/Officer Order file.


Dy. Secretary, DSSSB.