



GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-92
(CC-II BRANCH)

No. F.1(166)/CC-II/DSSSB/Vol.II/ 439-447

Dated: 27/06/25

ORDER

WHEREAS, The DSSSB vide its advertisement No. 02/2008 had advertised 1000 vacancies (UR-505, OBC-270, SC-150 & ST-75) for the Post of Teacher (Primary) under post code 16/2008 in Municipal Corporation of Delhi, with closing date 12.08.2008.

AND WHEREAS, The Result of the Main exam for the post of Teacher (Primary) of those candidates who passed the preliminary exam, including the SC category, was declared on 27.08.2009.

AND WHEREAS, DSSSB in compliance of the judgment dated 04.08.2009 of Hon'ble Supreme Court of India as passed in Civil Appeal No. 5092/2009 in the matter of Subhash Chandra Vs DSSSB & Ors., did not consider SC/ST candidates of states other than Delhi origin as eligible for admissibility of benefits of reservation.

AND WHEREAS, On scrutiny of dossiers and on the basis of SC Caste Certificate of Outside Delhi state enclosed with application forms, Sh. Suresh Kumar Bairwa (Roll No. 1629431) & Sh. Tulsi Ram (Roll No. 1629492) alongwith other similar candidates were not found eligible for the benefit of reservation under SC category as per the judgment of Subhash Chandra and the candidatures of these candidates were not considered for the said post.

AND WHEREAS, The applicants alongwith four other candidates, filed OA No. 913/2016 on 24.02.2016 before the Central Administrative Tribunal seeking directions to the DSSSB to consider their case for appointment as Teacher (Primary) MCD under post code 16/2008 under the SC Category as per merit position against the unfilled vacancies of the advertisement No. 02/08. The Ld. Tribunal vide order 30.07.2019, directed as under:-

"6. Thus, in view of the law laid down by the Hon'ble Supreme Court and in view of the facts narrated above, this OA requires to be allowed. Accordingly, the OA is allowed and the impugned six orders dated 21.01.2013 (which is collectively produced as Annexure A-7 (Colly) and order dated 19.05.2014 produced as Annexure A-1 are set aside. The respondents are directed to appoint the applicants against unfilled reserved vacancies meant for the category of SC as recorded in the result Notice no. 46 dated 06.10.2009 with all consequential benefits, but however, the applicants are not entitled for any back wages. MAs pending, if any, stand

21/6/25

disposed of. The respondents are directed to comply with the above directions within a period of three months from the date of receipt of copy of this order. No order as to costs."

AND WHEREAS, The above Order dated 30.07.2019 of Hon'ble CAT in OA No. 913/2016 was challenged by DSSSB in Hon'ble Delhi High Court by filing Writ Petition vide W.P.(C) No. 971/2020. Hon'ble Delhi High Court vide Order dated 22.10.2024 dismissed the petition. Further, the Special Leave Petition filed in Hon'ble Supreme Court of India in this regard vide SLP (C) No. 14737/2025 has also been dismissed by the Hon'ble Court vide order dated 19.05.2025.

AND WHEREAS, Vide Supplementary Result Notice No. 815 dated 29.08.2019 issued in compliance with the directions of Hon'ble Supreme Court of India Order dated 30.08.2018 in the matter of Bir Singh & Ors V/s Delhi Jal Board & Ors. in Civil Appeal No.1085/2013 tagged Civil Appeal No. 8141/2014 titled as Mukesh Kumar & Ors. V/s DSSSB & Ors., it was declared that the cut-off marks for selection of candidates in SC Category for Post Code 16/2008 came to 104 marks which was earlier 94 marks.

AND WHEREAS, The same submissions were also made in the Counter Affidavit submitted in Hon'ble Supreme Court of India in Contempt Petition (C) No. 751 of 2019 in Civil Appeal No. 8141 of 2014.

AND WHEREAS, in compliance with the Order dated 30.07.2019 of Hon'ble CAT in OA No. 913/2016, upheld by Hon'ble Delhi High Court vide Order dated 22.10.2024 and Hon'ble Supreme Court of India vide Order dated 19.05.2025 in SLP (C) No. 14737/2025, the other 04 (Four) candidates in O.A. No. 913/2016, who are coming in merit, having the marks more than the cut-off marks of 104, have been provisionally nominated, under SC Category, for the post of Teacher (Primary) under post code 16/2008 in Municipal Corporation of Delhi, subject to fulfilling all others conditions of eligibility and also correctness of information furnished by the candidate in their application forms and dossiers.

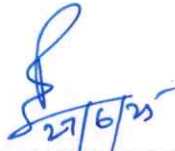
AND WHEREAS, the following 02 candidates cannot be in the consideration zone as their marks are less than the revised cut off of 104 marks in SC Category and do not come in merit:-

S.No.	Name of the Candidate & Roll No. S/Sh.	D.O.B.	Marks
1	Suresh Kumar Bairwa (1629431)	08.07.88	102
2	Tulsi Ram (1629492)	05.05.83	101


27/6/25

NOW THEREFORE, in spite of considering them as candidates in SC Category, in compliance with the Order dated 30.07.2019 of Hon'ble CAT in OA No. 913/2016, upheld by Hon'ble Delhi High Court vide Order dated 22.10.2024 and Hon'ble Supreme Court of India vide Order dated 19.05.2025 in SLP (C) No. 14737/2025, the candidature of Sh. Suresh Kumar Bairwa (Roll No. 1629431, DOB : 08.07.1988) & Sh. Tulsi Ram (Roll No. 1629492, DOB: 05.05.1983) cannot be considered for the Post of Teacher (Primary) under Post Code 16/2008 in MCD as they are not found to be qualified in merit and their marks are less than the revised cut off of 104 marks in SC Category.

This issues with the prior approval of the Competent Authority.


DY. SECRETARY, DSSSB

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Dated: 27/06/25

Copy forwarded for information to:-

1. The Commissioner, Municipal Corporation of Delhi.
2. PS to the Chairman, DSSSB.
3. PS to the Member, DSSSB.
4. Sr. PA to the Controller of Examination, DSSSB.
5. PA to the Secretary, DSSSB.
6. The Joint Secretary (P&P), DSSSB
7. The Dy. Secretary (Legal), DSSSB
8. The Sr. System Analyst, IT Branch with the request to upload on the website of the Board.
9. Reception Office/Notice Board/Guard File.


DY. SECRETARY, DSSSB