

GOVT. OF NCT OF DELHI  
DELHI SUBORDINATE SERVICES SELECTION BOARD  
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI - 110092.  
<http://dsssb.delhi.gov.in/> TELEPHONE - 22370100

F.(8659)/LC/DSSSB/2022/82-84

Dated: 27.01.2023

**ORDER**

1. The order is in compliance of the Order dated 09.01.2023 passed by Hon'ble High Court of Delhi in the matter of W.P.(C). 17133/2022 & C.M. Appl. 55838/2022, Kavi Kumar Aswal Vs. GNCT of Delhi. The Hon'ble High Court has observed and directed under para-8 of the said order that:

8. Having considered the rival submissions made by the counsel for the parties it is seen from pages 53 and 54, the prescription of Doctors, petitioner was indisposed though not for COVID and possibly for that reason the petitioner could not appear in the Trade Test/Driving Test. It is a fact that the Trade Test/Driving Test continued till August 08, 2022. If that be so, the petitioner could have approached the Tribunal before that date as he had almost a month to seek orders for fresh Driving Test. He approached Tribunal only on December 09, 2022, much after the Driving/Trade Test was conducted. In that sense, the petitioner was sleeping over his rights. Be that as it may, the petitioner being of 32 years of age, henceforth cannot appear in the selection as a Fire Operator. To that extent, prejudice is caused to the petitioner. We are conscious that, given the magnitude of the examination process it is difficult for the respondents to give a further chance to every candidate who has missed the test to re-appear. The same would be unending. In the facts of this case the writ petition can be disposed of without interfering in the impugned order by directing the respondents, as it is the case of the petitioner that the impugned selection process was the last chance for the petitioner to seek appointment, to consider this writ petition as a representation on behalf of the petitioner and decide the same within a period of eight weeks from today.


2. The applicant vide the said W.P.(C). 17133/2022 has prayed to Hon'ble High Court that:

- a) Allow the writ petition against the order dated 21/11/2022 passed by Administrative Tribunal, Principal Bench New Delhi in O.A. No. 3310/2022.
- b) Direct the Board to allow the petitioner to give the opportunity to give the final driving test on the earlier date which is suitable to the Board for the test.
- c) Direct the Board to produce the relevant date for the examination of the petitioner.

In the C.M. Appl. 55838/2022 the applicant has prayed to Hon'ble High Court that:

- i) Fix the date for early hearing in this matter and direct the respondent to vacate a seat for the petitioner can give test and let the result be declared.


3. The vacancy for post of Fire Operator, Delhi Fire Service, Post Code-18/19 was advertised on 24.09.2019 vide advertisement No. 04/19. The last date of this vacancy notice was 06.11.2019.

  
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4. Physical Endurance Test (PET) of the petitioner was conducted at Sports Complex East Vinod Nagar, Delhi on 17.02.2020.
5. Online computers Based Test (CBT) for the petitioner was conducted at Bhartiya Digital Academy, Sec-23 Rohini, Delhi on dated 22.04.2021
6. Notice for Driving Skill Test from 31.05.2022 to 01.08.2022 was issued and uploaded on the website of DSSSB on 12.05.2022 in which candidates were directed to follow the detailed General Instructions which was uploaded on the website of DSSSB.
7. General Instruction to candidates for driving skill test was issued and uploaded on the website of DSSSB on 12.05.2022. Under point-1 & 2 candidates are directed to:

*“Point-1- Specific Date and Reporting Time of Skill Test of a candidate is given in his Admit Card.*

*Point-2- The candidate must report at the Test venue strictly as per reporting time given in e-admit Card along with requisite documents. No entry will be allowed after reporting time or without requisite documents under any circumstances.”*
8. Driving Skill Test of the petitioner was scheduled on 12.07.2022 (08:00 A.M.) at Society for Driving Training Institute, Transport Authority Complex, Burari, Delhi-110084.
9. The petitioner has made a representation dated 13.07.2022 which received in DSSSB on 15.07.2022 wherein he has requested for change of exam date due to medical issue (Fever, cough and Stomach pain). Alongwith his representation the petitioner has enclosed copy of medical certificate dated 13.07.2022 issued by Sanjay Gandhi Memorial Hospital, Mangolpuri where his **RAT COVID-19 test found NEGATIVE.**
10. The representation of the petitioner was submitted to the Competent Authority; however his request was not acceded to. In this regard intimation was sent to him on 11.08.2022 through his e-mail address kumarkavi49@gmail.com mentioned on his representation. However due to copy/paste from intimation to another candidate the reason for rejection was mentioned inadvertently as HMV License renewal instead of his illness.
11. Alongwith his representation, 17 other representations have been received from different candidates for change of exam dates on different grounds viz. medical issue (sick, pain, fever, vomiting, leg nerve stretch, accident, bone fracture,

  
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Covid-19 positive), clash of exam/ document verification at another Recruitment Board & HMV Driving License expired on exam date.

The request for change of exam dates in all these 18 representations were submitted to Competent Authority, however not acceded to on the ground that acceding to such relaxation would create chaos, uncertainty and open endedness to the entire process of the exam and hamper the process of smooth conduct of exam.

12. The Hon'ble High Court of Delhi in the matter of W.P. (C) 1565/2019 titled as DSSSB – Vs- Surender Pal has passed Judgment dated 15/01/2020 in which it has observed that :-


*"Para 12- Coming to the facts of the present case, any candidate may fail to appear in the physical examination, or for that matter in any other part of the examination process, on account of a plethora of reasons. There may be bereavement in the family of candidate; or he could be prevented from appearing on account of illness. However, we are of the considered opinion, that in 'public examinations' it is not possible for the body conducting the examination to re-schedule or postpone examinations on such grounds, even though the ground may be genuine, bona-fide and not of the making of a given candidate. Acceding to such relaxation would create utter chaos, uncertainty and open-endedness to the entire process of public examinations; which would not be conducive to public interest."*

13. The petitioner has approach the Hon'ble CAT vide O.A. no. 3310/2022 with request to:-

- a. Direction may kindly be given to the respondent/ DSSSB for allotting some new date to the applicant for the Driving Test as per the convenience of the Board in the interest of the Applicant due to grounds/ reasons of his non appearance in driving test dated 12.07.2022 are genuine in view of documents submitted by him.

14. The Hon'ble CAT vide order dated 21/11/2022 has dismissed his O.A. with the following observation:-


4.1 We find that the applicant was fully aware of the fact that he is appearing for a recruitment examination which has several parts and his attendance and clearing of each part is critical for his final selection. It is also a fact that the dates of any open market recruitment examination cannot be altered or extended to suit the convenience of any individual. The citations relied upon by the learned counsel for the respondents mentioned 6 above, bear testimony to this fact that all public examinations have to follow the laid down schedule and the same cannot be altered for any individual. The instant case is squarely covered by the said decisions. If such a relaxation is granted to the applicant it would not only be discriminatory in respect of similarly placed persons who may not have approached the DSSSB, and may also open up a Pandora's Box.

  
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4.2 Thus, in view of the citations discussed above and the facts of the instant case, we are of the considered opinion that the instant OA is covered by the judgments quoted above, and we are in agreement with the same. Therefore, we do not find any merit in the present OA and the same is accordingly dismissed.

15. DSSSB vide Notice dated 28.12.2022 has declared the cutoff marks for post code-18/19 for uploading of e-dossiers in OARS Module by qualified candidates.
16. In view of the above facts of the case, submission of Exam Branch and observations of the Hon'ble Courts the prayers of the applicant in the Writ Petition (considered as a representation of Sh. Kavi Kumar Aswal) can not be acceded to.
17. These issues with the approval of the Competent Authority and in compliance of the direction of Hon'ble High Court of Delhi.
18. Let this order be served upon Sh. Kavi Kumar Aswal S/o Shri Lallu Ram, R/o R-57, 58, Mangolpuri, New Delhi-110083.

  
27/01/2023  
: Deputy Secretary (Exam)  
: DSSSB


To,

Sh. Kavi Kumar Aswal S/o Shri Lallu Ram,  
R/o R-57, 58, Mangolpuri, New Delhi-110083.

**F.(8659)/LC/DSSSB/2022/ 82-84**  
**Copy to:**

**Dated: 27/01/2023**

- ✓ 1. S.A. (IT), DSSSB with the request to upload the order on the website of the Board.
2. Notice Board.

  
27/01/2023  
: Deputy Secretary (Exam)  
: DSSSB