



F. (5451)/LC/DSSSB/16/926-932

Dated: 04.09.2023

## **ORDER**

**SUB: Compliance of order/direction dated 28.07.2023 of the Hon'ble CAT as passed in OA No. 2844/2016 titled as Babu Lal & Ors. Vs. GNCTD & Other.**

WHEREAS, the Hon'ble CAT vide its order dated 28.07.2023 in OA No. 2844/2016 titled as 'Babu Lal & Others vs. GNCT of Delhi & Others,' has directed as under:-

*"4. -----In view of the above submission, we are of the considered view that ends of justice would be duly met if the respondents are directed to decide the pending representation of the applicants (Annexure A-7 Colly.) Within two months from the date of receipt of a certified copy of this order, duly keeping in view the provisions of clause-12 of OM dated 27.03.2012, by passing a reasoned and speaking order, under intimation to the applicants. We order accordingly. If the applicants are still aggrieved by the order so passed by the respondents, they shall be at liberty to challenge the same in appropriate original proceedings.*

*5. It is made clear that we have not commented anything on the merits of the case. No costs".*

2. **AND WHEREAS,** the brief facts of the case are as under:

(a) The DSSSB vide its advertisement No. 01/13 had advertised Total 382 vacancies (UR-193, OBC-113, SC-41, ST-35 Including OH-14, HH-13) for the post of Librarian under Post Code 02/13 in Directorate of Education, GNCT of Delhi.

(b) The details of essential qualification, eligibility Criteria and cut off dates were as under:-

(i) **Essential Qualification.**

1. Degree from a Recognized University or Equivalent.
2. Bachelor's Degree or Equivalent Diploma in Library Science from a Recognized University/Institute or Equivalent.
3. **Experience of Two Years in Library Computerization of a Library or one year Certificate Computer Application from a Recognized Institute or Equivalent.**

(ii) **Eligibility Criteria (Age Limit):**

Not exceeding 30 year (Age relaxation will be given as per note regarding age relaxation).

1. SC/ST : 05 years
2. OBC :03 years
3. Persons with disabilities 10 years
4. SC/ST Persons with disabilities 15 years.

5. OBC Persons with disabilities 13 years.
6. Departmental candidates with at least three years service in Central Govt/Govt. of Delhi: (i) Upto 05 years for Group 'B' Posts (Which are in the **same line or allied cadres** and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of post.
7. Meritorious Sports Persons: Upto 05 years (10 years for SC/ST and 08 years for OBC candidates).

(iii) **Cut-off-date: 20.03.2013.**

- (c) The Board conducted the off-line examinations on 31.08.2014. Thereafter, vide Public Notice No.F.4(407)/DSSSB/CC-I/2015/880-87 dated 17.07.2015, the marks list of the candidates for Post Code 02/13 was uploaded on the Website of the Board. In order to prepare **result and waiting panel**, 474 candidates (UR-234, OBC-138, SC-50, ST-33, PH (OH)-17 & PH(HH)-02) were called for submission of their documents in the Board office on 15.12.2015 & 16.12.2015 for verification to ascertain their eligibility criteria as on cut-off date i.e. 20.03.2013.
3. **AND WHEREAS**, the petitioners Sh. Babu Lal (Roll No. 69001388), OBC category & Sh. Jai Bhagwan (Roll No. 69002474), OBC category, appeared in the said examination and secured 74.50 & 79.25 marks respectively. Both the candidates were shortlisted for submission of their documents in the Board office. During scrutiny of their documents, it was found that Sh. Babu Lal had worked in NDMC as Creche Attendant and Sh. Jai Bhagwan had worked in Maharishi Valmiki Hospital, Pooth Khurd, GNCT of Delhi as Peon. Hence, they were not found eligible to get the benefit of age relaxation under departmental candidates as they were not working in the same line or allied cadre of Librarian. Hence, their candidature was rejected vide Rejection Notice No. 446 date 14.03.2016 as they were over-age as on cut-off date.
4. **AND WHEREAS**, subsequently, the petitioners filed OA No. 2844/2016 in Ld. CAT who vide order dated 28.07.2023 directed to the respondents to dispose of the pending representations of the applicants by passing a reasoned and speaking order within a period of two months from the date of receipt of a certified copy of the order, duly keeping in view the provisions of clause-12 of OM dated 27.03.2012 (of DOPT).
5. **AND WHEREAS**, clause 12 of OM dated 27.03.2012 of DOPT deals with the relaxation in upper age limit allowed to departmental candidates with three years continuous services in Central Govt (or Govt. of Delhi) .
6. **AND WHEREAS**, the grievances (as mentioned in Annexure -A7 Colly of petition) of the applicant Sh. Babu Lal (Roll No. 69001388) vide representation dated 16.3.2016 was as under :

*In the said representation, the applicant has requested to give age relaxation as departmental candidate stating that he had applied for the post as a government servant (OBC Category) through proper channel, for which there is a relaxation of five years as per the Recruitment Rules. The maximum age limit for general candidates is 30 years. His age as on 20-03-2013 i.e. closing date for receipt of applications was 34years+ (Date of Birth 13-03-1977) and after getting the age relaxation of five years as a*





government servant, he will not be over age so requested to withdraw the rejection letter and allow /issue directions to join for the post of Librarian.

7. **AND WHEREAS**, in this regard, it is stated that Sh. Babu Lal (DOB. 13.03.1977), an OBC candidate was approximately 36 years old as on cut-off date i.e.20.03.2013. Thus, he was over-age as maximum age as on cut-off date for OBC Candidate was 33 years. Further, as per letter dated 12.11.2012 of Asst. Social Education Officer, NDMC, Sh. Babu Lal was working as '**Creche Attendant**' at Home with Books in NDMC w.e.f. 12.11.2012 till date. It may be seen that the post of '**Creche Attendant**' is not in the same line or allied cadre of Librarian. **So he was not considered as departmental candidate and could not be granted the benefit of age relaxation available to departmental candidates** as per the provisions of clause-12 of OM dated 27.03.2012 of DOPT as the benefit of five years age relaxation was available only to those departmental candidates, who had served at least three years in Central/Delhi Government **in same line of allied cadre**. Hence, his candidature was rightly rejected vide Rejection Notice No. 446 date 14.03.2016 as he was over-age as on cut-off date and was not eligible for the age relaxation as departmental candidate.

8. **AND WHEREAS**, the grievances (as mentioned in Annexure -A7 Colly of petition) of the applicant Sh. Jai Bhagwan(Roll No.69002474) vide his representations dated 17.3.2016, 31.3.2016 & 25.5.2016 were as under :

*In the said representations, the applicant has requested to give age relaxation as departmental candidate stating that he had been serving in Maharishi Valmiki Hospital, Govt. of NCT of Delhi, Pooth Khurd, New Dethi-110039 since 16/02/2004 **as peon** on regular basis and posted in Library in hospital and maintaining the library sincerely . His application for the above said post was forwarded from his office through proper channel.*

9. **AND WHEREAS**, in this regard, it is stated that Sh. Jai Bhagwan (DOB. 16.06.1978), an OBC candidate was approximately 35 years old as on cut-off date i.e.20.03.2013. Thus, he was over-age as maximum age as on cut-off date for OBC Candidate was 33 years. Further, Shri Jai Bhagwan in his above mentioned representations has mentioned that he had been working as '**Peon**' in Maharishi Valmiki Hospital, Pooth Khurd, Govt of NCT of Delhi w.e.f. 16.02.2004 till date. In support of his claim, he had attached some letters including a letter dated 09.12.2015 of Medical Superintendent of Maharishi Valmiki Hospital. It may be seen that the post of '**Peon**' is not in the same line or allied cadre of Librarian. So Sh. Jai Bhagwan **was not considered as departmental candidate and could not be granted the benefit of age relaxation available to departmental candidates** as per the provisions of clause-12 of OM dated 27.03.2012 of DOPT as the benefit of five years age relaxation was available only to those departmental candidates, who had served at least three years in Central/Delhi Government **in same line of allied cadre**. Hence, his candidature was rightly rejected vide Rejection Notice No. 446 date 14.03.2016 as he was over-age as on cut-off date.



**10. Now therefore,** in Compliance of order dated 28.07.2023 of the Hon'ble Central Administrative Tribunal as passed in OA No. 2844/2016 titled as Babu Lal & Ors. Vs. GNCT of Delhi & Ors., the representations (as mentioned in Annexure -A7 Colly of petition) regarding claim for age relaxation under departmental candidates and selection for the post of Librarian, Post Code 02/13 in Directorate of Education, GNCT of Delhi in respect of the petitioners Sh. Babu Lal (Roll No. 69001388), OBC category & Sh. Jai Bhagwan (Roll No. 69002474), OBC category, has been considered, examined and not found admissible in view of the facts mentioned above, hence rejected.

**11.** This issues with the approval of the Chairman, DSSSB.

  
**Dy. Secretary  
DSSSB**

To,

- 1) **Sh. Babu Lal S/o Sh. Jai Singh,  
R/o WZ-24, Village- Choukhandi,  
Tilak Nagar, New Delhi-110018.**
- 2) **Sh. Jai Bhagwan S/o Ratan Singh,  
R/o H. No. 18, Shah PurJat,  
New Delhi-110049.**

**F. (5451)/LC/DSSSB/16/926-932**

**Dated: 04.09.2023**

Copy to:-

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

  
**Dy. Secretary  
DSSSB**