



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

F.1 (151)/CC-II/DSSSB/2008/part-II/ 4322

Dated: 13/5/13

ORDER

Sub:- Compliance of the order dated 14.02.2013 of LD. CAT in OA. 545/2013 titled Ms. Geeta Arya Vs DSSSB & Ors.

The Hon'ble CAT in OA No. 545/2013 titled Geeta Arya V/s DSSSB & Ors vide its order dated 14.02.2013 has directed as under:-

"5. We have heard the learned counsel for the applicant and perused the documents available on record. In our considered view, there is no dispute that the applicant's case is covered by the aforesaid judgment of the Hon'ble High Court of Delhi followed by the order of this Tribunal. We, therefore, direct the respondents to consider the case of the applicant in the light of the aforesaid judgment of the Hon'ble High Court/ order of this Tribunal and if the applicant's case is found covered by them, she shall also be extended the same benefits as has been extended to her batch mates, except back wages. The aforesaid direction shall be complied with, within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs."

In compliance of the above order, the case of applicant Geeta Arya Roll No.016416552 has been re examined and it is found that:-

1. The applicant Geeta Arya had applied for the post of Teacher (Primary) MCD under post code No.0164-165/07. The DSSSB had conducted the examination for this post on 15.06.2008 and the result for the post code was declared on 25.09.2008.

2. The applicant Geeta Arya was short listed in part-1 examination in UR category on the basis of his claim in the application form. This is due to the fact that the Board does not conduct pre-examination scrutiny at the time of declaration of the result of Part- I.

3. The candidate obtained 101/200 marks as per final merit list and his/her case was carefully examined before declaration of the result. The documents furnished by the candidate were scrutinized and it was observed that the Applicant Geeta Arya does not fulfill the eligibility condition of the RR for the post of having 50% marks in Senior Secondary Examination as she has obtained 46% in Senior Secondary Examination. And applicant was a SC from outside Delhi. Accordingly she was not found eligible for appointment under SC category for the jobs under Govt. of Delhi.

4. As per the then existing policy of the Govt. of Delhi, the benefit of SC category was not admissible to outside SC candidates instead they were considered under UR category only.

5. In the light of the judgment of the Hon'ble Supreme Court of India dated 04-08-2009 as passed in Civil Appeal No. 5092 of 2009 arising out of petition (s) for Special leave to

Appeal (Civil) No.. (s) 24327/05- Subhash Chandra & Anr. V/s DSSSB & Ors. he/she was treated as UR candidates, thus not found eligible for selection under the SC category. The reservation policy was confirmed by Delhi High Court also in the case titled as DSSSB & Ors. V/s. Mukesh Kumar & others in WP(C) 610/2011 & connected cases.

6. Later, the Hon'ble High Court of Delhi has reconsidered its own decision in the matter titled Deepak Kumar & Ors V/s. District & Session Judge Delhi & Ors. WPC No.5390/2010 and connected petitions decided on 12.9.2012. However, the result for the post of Teacher (Primary) MCD post code 0164-165/07 was declared before 12-9-2012. Therefore, the law as applicable on that date has to be followed. Accordingly, the result in this case does not require any change.

In view of the above facts, that the applicant Geeta Arya cannot be considered for selection to the post of Teacher (Primary) under post code-0165/07 under SC category the result of which was declared before the decision of the Hon'ble High Court of Delhi in the case referred above.

This issues with prior approval of the competent authority.

(Prashant Raghav)
Dy. Secretary CC-II

MS. Geeta Arya D/o Sh. Teeka Ram
R/o, A-7E, DDA Flats, Munirka,
New Delhi-110087.

F.1 (151)/CC-II/DSSSB/2008/part-II/

Dated:

Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PS to Secretary, DSSSB.
3. PS to COE, DSSSB.
4. Dy. Secretary (Legal), DSSSB.
- ✓ 5. Programmer, IT Branch, with the request to upload the same on the website of DSSSB.
6. Notice Board.
7. Office order file.

(Prashant Raghav)
Deputy Secretary CC -II