



**GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-92**

No. F.1 (184) /CC-II/DSSSB/2010/1566-73

Dated 11 /2/2013

O R D E R

Subject:- Compliance of order/direction of the Hon'ble Central Administrative Tribunal as passed in OA 434/2012, titled as Shri Sheeshpal V/s GNCTD & Ors.

This is in pursuance of direction of Hon'ble CAT in OA 434/2012 titled as Shri Sheeshpal V/s GNCTD & Ors. The Hon'ble CAT vide its order dated 14.12.2012 has directed as under:-

3" *Today, when the matter was taken up for consideration, the learned counsel for the parties have submitted that the issue raised in this OA has now been settled by the Hon'ble High Court of Delhi in WP(C)-5390/2010 (Deepak Kumar and Ors. Vs. District and Sessions Judge, Delhi and Ors.) and connected cases on 12.09.2009."*

4" *In view of the above position, this OA is allowed. Consequently, we declare that the applicant is qualified for the post of Driver and shall be deemed to have been selected for the aforesaid post. We also direct the respondents to appoint him against the post of Driver with all consequential benefits except back wages without any further delay, if he is otherwise found eligible. The aforesaid directions shall be complied with as early as possible but in any case within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs."*

In compliance of above order, the case of applicant i.e. Shri Sheeshpal, Roll No. 6531166 has been re-examined and it is found that:-

1. The applicant Shri Sheeshpal had applied for the post of Driver (DTC) under post code 065/09. The DSSSB had conducted the examination for this post on 14/3/2010 and 21/3/2010 respectively. The applicant appeared in the written examination against the Roll No. 6531166 as SC Candidate. The result of the written examination was declared on 06/12/2010, 14.06.2011 and 17.02.2012. On the basis of 38 marks secured by the applicant, he was short listed under SC category for appearing in Driving Skill Test. The last short listed candidate in UR Category had obtained 58 marks. The skill test was conducted on 07/8/2010 and as per report of the evaluation board of skill test, the applicant Shri Sheeshpal was declared passed in the skill test.

2. The dossiers of the candidates, who have qualified the driving skill test, were scrutinized to determine their eligibility as regards to their educational qualification & validity of caste certificate for seeking reservation. During the scrutiny of the documents it was found that the petitioner belongs to SC of Uttar Pradesh as he had enclosed SC certificate dated 30.10.1991 issued by the Tehsildar, Baghpat (UP). Accordingly, he was not found eligible for appointment under SC category for the jobs under Government of Delhi.

3. As regard to another SC certificate dated 31.03.2011, of Delhi Origin submitted by the applicant Shri Sheeshpal along with the petition which is issued by SDM Shahdara it contradicts the facts given in Para-2 and hence cannot be considered.

4. As per then existing policy of the Government of Delhi, the benefit of SC category was not admissible to SC outsider/SC Migrants 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- Subash Chandra & Anr. V/s DSSSB & Ors., he belongs to SC of other state (UR) and therefore 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 & Anr. Vs. Mukesh Kumar & Others in WP(C) No. 610/2011 & connected cases.

6. Later, the Hon'ble High Court of Delhi has reconsidered its own decision in the matter titled Deepal Kumar & Ors Vs. District & Session Judge Delhi & Ors. WPC No. 5390/2010 and connected petitions decided on 12.09.2012. However, the result for the post of Driver (DTC) under post code 065/09 was declared before 12.09.2012 & therefore, the law as applicable on that date has to be followed. Accordingly, the result in the case does not require any change.

In view of the above facts, it is informed that the applicant Shri Sheeshpal cannot be considered for selection to the post of Driver (DTC) under post code 065/09 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.

Sd/-
Deputy Secretary CC-II

**Shri Sheeshpal S/O Sh. Sheoraj Singh,
R/O C/O D, 555, East Gokupuri,
Delhi-94**

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Copy for information and further necessary action to:-

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3. P.A to the Secretary, DSSSB.
4. Deputy Secretary (Legal), DSSSB.
5. Programmer, IT Branch, with the request to upload the same on the website of the DSSSB.
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Sd/-
Deputy Secretary CC-II