



GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092
Website: www.dsssb.delhigovt.nic.in

No. F.141/Results/Special Educator/Male/I. Cell/DSSSB/2018-19/ ५६७८ - ४०

Dated: ०६/११/२०२०

ORDER

Whereas, the Hon'ble High Court of Delhi in W.P. (C) No. 9040/2019 titled Praveen Khatri and Ors Vs. Govt. of NCT of Delhi, CM Application 22861/2020 & CM Application 37301/2019 has passed directions that *"the respondents are directed to respond to the representation filed on behalf of the petitioner nos. 4 to 6 by way of a speaking order"*.

Whereas, petitioner nos. 4 to 6 i.e. Ms. Shweta D/o Sh. Vijay Kumar, Ms. Annu D/o Sh. Gyan Prakash and Sh. Kehar Singh S/o Sh. Ishwar Singh in the **W.P. (C) No. 9040/2019 titled Praveen Khatri and Ors Vs. Govt. of NCT of Delhi** have filed CM Appl. No. 22861/2020 in the Hon'ble High Court of Delhi for seeking relief with regard to revival of their candidature for the post of Special Educator under Post Code-15/17 in MCD.

Whereas, the DSSSB vide its advertisement No. 02/2017 dated 07/08/2017 had advertised total **1540** [UR-773, OBC-426, SC-226, ST-115 (including PH/OH-24 & PH/VH-25) for the post of **Special Educator under Post code-15/17** in MCD with closing date as **15.09.2017**. The above said three candidates had also applied through online application mode for the post of Special Education Post Code-15/17. Tier-I examination was conducted on **22.07.2018**.

As per Recruitment Rules for the Post of Special Educator, the essential qualification was prescribed as:-

- (i) **Senior Secondary School Certificate (12th Class) or its equivalent from a recognized board / institution.**
- (ii) **Two year's Diploma Programme in special education recognized by the Rehabilitation Council of India in any Category of Disability or any other equivalent qualification approved by the RCI.**
- (iii) **Pass in Central Teacher Eligibility Test Conducted by Central Board of Secondary Education.**

[Signature]

[Signature]

Whereas, the DSSSB sought the documents from the shortlisted candidates in the e-dossier module in online mode only accordingly, all the shortlisted candidates were asked to upload their documents in the e-dossier module w.e.f. 17.09.2018 to 26.09.2018 vide Notice No. F No. 141/Result/Special Educator/Int. Cell/DSSSB/2018-19/445 dated 13.09.2018 with the specific direction to upload all the documents in the e-dossier module, failing which their candidature will be rejected and no further opportunity will be given on whatsoever ground.

Whereas, the petitioners number 04 to 06 failed to upload their documents in the E-dossier module within stipulated time period.

Whereas, the above said three petitioners namely Ms. Shweta, Ms. Annu , Sh. Kehar Singh along with other applicants who also did not have CTET qualification as prescribed in Recruitment Rules and notified in advertisement no 04/17 for the post code-15/17 on cut off date approached the Hon'ble CAT in O.A. No. 3647/2018 for seeking relief with regard to relaxation in qualifying CTET. The Hon'ble CAT vide interim order dated 25.09.2018 directed as under:

“.....Taking into consideration the fact that the applications for the post of Special Educator(Primary) MCD(Post Code-15/17) of these applicants had been accepted by the DSSSB and they were also allowed to participate in the written examination even though they do not possess CTET qualification and also keeping in view the fact that the CTET examination had not been held by the CBSE since, September, 2016 and that CBSE had notified CTET examination , 2018 to which the applicants have already applied, we direct respondent no. 02(DSSSB) to accept their e-dossiers offline. Such provisional participation shall not confer any right or equity in favour of the applicants. The result of the applicants shall be kept in a sealed cover and shall not be declared without leave of the Tribunal..... “

However, Hon'ble Tribunal vide final order dated 02.04.19 dismissed the OA No. 3647/2018 with the observations as under:

“....We heard learned counsel for the parties. During the course of hearing, learned counsel for the respondents has produced a copy of the order dated 14.03.2019 passed in OA No. 300, 320 , 335,345, 1710, 1904, 2741, 2770 and 3084 of 2018 and 770 and 686 of 2019 and also of the Hon'ble Delhi High Court in Writ Petition(Civil) no. 11328/2017(Annu and Others vs Govt. of NCT of Delhi and others) dated 11.01.2018 and submitted that the issue involved in this case is squarely covered by the said orders and judgments.

Following the aforesaid orders and judgments, we do not find any merit in this case and the same is accordingly dismissed...”



Whereas, the above three petitioners namely Shweta (Roll No. 2280003033), Annu (Roll no. 2280003799) and Kehar Singh (Roll no. 2280006685) have submitted a joint representation dated 07.09.2020 wherein stating as under :

“ ... We had filed our dossiers offline pursuant to the directions issued vide order dated 25.09.2018 passed in OA No. 3647/2018 wherein it was directed to provisionally accept the dossiers offline, if online was not possible due to some technical reason. Accordingly, we had submitted dossiers in offline mode vide dairy no. 7719 , 7721 on dated 26/09/2018.

It is submitted while declaring supplementary result in view of the one time relaxation granted by competent authority, it appears that the candidates like us who had filled dossiers offline have been excluded.

We had successfully qualified the written examination conducted by respondent DSSSB and scored more than the prescribed cut-off. Our candidature was rejected solely on the ground that we had not cleared CTET as on cut off date stated in the advertisement i.e 15.09.2017. We had cleared CTET held in the year 2018.

We are entitled to the benefit of one-time relaxation as granted vide order dated 13.03.2020 by Hon'ble LG as stated by SDMC letter dated 08.07.2020. There is no reason to exclude us from the Supplementary Result...”

Whereas, in view of the above cited dismissal of OA No. 3647/2018 by the Hon'ble Tribunal vide final order dated 02.04.2019 any interim relief/directions given by the Hon'ble Tribunal have also become infructuous and invalid. Thus the petitioner's claim of filing the E-dossier in the offline mode on the strength of interim orders of Hon'ble Tribunal became invalid and illegal. Therefore, the candidature of these candidates was also rejected vide Rejection Notice No. 475 dated 12.07.2019

Further, as a matter of Rule and policy, the Board does not entertain any request from the candidates who have failed to upload their documents in the e-dossier modules within the specified time and this policy also stands upheld by this **Hon'ble Court vide judgment dated 25.3.2019 in the matter titled Pushpender Singh Parnami Vs. GNCTD in WP (C) No. 2892/2019 and also in another order dated 22.4.2019 in the matter titled Ms. Jyoti Vs. Govt of NCT of Delhi in WP (C) No. 4085/2019.**

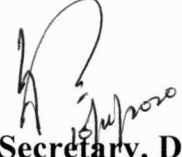
Whereas , there was no technical reason for not submitting the dossier online since all other shortlisted candidates submitted the dossier online within stipulated date and time , but these petitioner did not submit the dossier online. There is no provision to accept the dossier offline.



Therefore, as the above said three candidates failed to upload their documents in the e-dossier module within the stipulated time period, their candidature rejected vide Rejection Notice No. 475 dated 12.07.2019 cannot be considered for revival . The **Hon'ble High Court of Delhi vide judgment dated 25.3.2019 in the matter titled Pushpender Singh Parnami Vs. GNCTD in WP (C) No. 2892/2019 and also in another order dated 22.4.2019 in the matter titled Ms.Jyoti Vs. Govt of NCT of Delhi in WP (C) No. 4085/2019 has upheld the same position.**

Therefore, in compliance of the direction of the Hon'ble High Court in **W.P. (C) No. 9040/2019 titled Praveen Khatri and Ors Vs. Govt. of NCT of Delhi** CM Appl. No. 22861/2020 & CM Appl. 37301/2019 the joint representation dated 07.09.2020 filed by petitioners namely Shweta (Roll No. 2280003033), Annu (Roll no. 2280003799) and Kehar Singh (Roll no. 2280006685) have been considered in detail as above and it is apparent that the contents of representation are devoid of any merit as these petitioners failed to upload their documents in the E-dossier module within stipulated time period. Hence, no relief can be granted to the petitioners and their candidature rejected vide Rejection Notice No. 475 dated 12.07.2019 cannot be considered for revival for the post of Special Educator under Post Code-15/17 in MCD.

This issues with the prior approval of the Competent Authority, DSSSB and in compliance of the direction of the Hon'ble High Court of Delhi in **W.P. (C) No. 9040/2019 titled Praveen Khatri and Ors Vs. Govt. of NCT of Delhi** CM Appl. No. 22861/2020 & CM Appl. 37301/2019 dated 24.09.2020.


Dy. Secretary, DSSSB.

To,

1. Shweta D/o Sh/ Vijay Kumar
R/o H.No. 219, Ghevra Village, Delhi-110081.
2. Annu D/o Sh. Gyan Prakash,
R/o VPO Asaudah todran Tehsil,
Bahadurgarh, District Jhajjar, Haryana-124505.
3. Kehar Singh S/o Sh. Ishwar,
R/o VPO Dhanana Tehsil Gohana,
District Sonipat, Haryana-131304

