



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

F.1 (219)/CC-II/DSSSB/2013/509

Dated: 16/01/2013

ORDER

Compliance of order/direction of the Hon'ble Central Administrative Tribunal as passed in OA 1486/ 2011, titled as Ms Tejwati Mahawar V/s GNCTD & ors.

This is in pursuance of direction of Hon'ble CAT in OA 1486/2011, titled as Ms Tejwati Mahawar V/s GNCTD & ors. The Hon'ble CAT vide its order dated 06.12.12 has directed as under:-

"In view of the above position, respondent No.2- DSSSB is directed to re-examine the case of the applicant and if her case is covered by the aforesaid judgement of the Hon'ble High Court, She Shall also be recommended for appointment to the post of TGT(Natural Science) with respondent No. 3 provided She fulfills all other conditions as per rules and necessary orders in this regard shall be issued within a period of one month from the date of receipt of a copy of this order. In that, case the applicant will be entitled for all consequential benefits which are being enjoyed by her batch mates expect back wages. In case she is not found eligible for the aforesaid post for any other reason, she shall be informed about the same by issuing a reasoned and speaking order within the aforesaid period. There shall be no order as to costs."

In compliance of above order, the case of applicant i.e. Ms. Tejwati Mahawar, Roll No. 00819192 has been re examined and it is found that :

1. The applicant Ms Tejwati Mahawar had applied for the post of TGT (Natural Science) under post code No.08/10. The DSSSB had conducted the examination for this post on 19.06.2010 and the result was declared on 15.03.2011, 28.04.2011 and 01.09. 2011 respectively.
2. The applicant Ms Tejwati Mahawar was short listed in part – I examination in SC category on the basis of her claim in the application form. This is due to the fact that the Board does not conduct pre-examination scrutiny at the time of the declaration of the result of part-I.
3. The candidate obtained 119/200 marks as per final merit list and 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 was a SC Migrant i.e. her SC certificate was based on her father's caste certificate of Distt. Dausa, Rajasthan.

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 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- Subhash Chandra & Anr. V/s DSSSB & Ors., she being a SC migrant (UR) 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 Deepak Kumar & ors vs. District & Session Judge Delhi & ors. WPC No.5390/2010 and connected petitions decided on 12.9.2012. However, the result for the post of TGT (Natural Science) post code 08/10 (Female) was declared before 12.09.2012, 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, the applicant Ms. Tejwati Mahawar cannot be considered for selection to the post of TGT (Natural Science) under post Code 08/10 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

**Mrs. Tejwati Mahawar D/O Sh.Navratan Mahawar,
r/o of Vill. Bawri Para,
District-Dausa.
Rajasathan.-303303**

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Copy for information and further necessary action to:

1. P.S. to the Chairman, DSSSB.
2. P.S. to the Member, DSSSB.
3. P.A. to Secretary, 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 of DSSSB.
7. Office order file.

Sd/-
Deputy Secretary, CC-II