



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.DS/IC/Court Cases/2016/24974

Dated: 07/12/16

ORDER

Whereas the Hon'ble CAT vide order dated 14.06.2016 in the matter of Amjad Khan Vs. DSSSB & Ors., directed that the respondents should consider the Annexure A-9, i.e. representation dated 23.05.2016 of the applicant and pass appropriate reasoned and speaking order thereon within four weeks from the date of receipt of a copy of the order, in accordance with law;

2. And whereas the said representation dated 23.05.2016 was filed by the applicant in DSSSB against the rejection notice No.16 dated 19.05.2016 vide which the candidature of the applicant was rejected for having not possessed the OBC (Delhi) certificate before the crucial date in respect of the recruitment of the TGTs, 15.06.2012, i.e. the closing date of receipt of applications as modified in the advertisement, seeking applications against the relevant post.

3. And whereas keeping in view the necessity of deciding the eligibility of each candidate including educational qualifications, grant/extension of benefit of reservation etc., as on a fixed date relevant to the advertisement, the Board decided that the crucial date for deciding the eligibility of the candidate for the post of TGT (Maths), under Post code 110/12 should be fixed as 15.06.2012, i.e. the closing date of the receipt of applications against the advertisement;

4. And whereas the DSSSB while advertising the vacancies under Advertisement No.02/2012, inter-alia for the post of TGT (Maths) under Post code 110/12 had categorically mentioned in para 5 (iii) of Section C of the advertisement as under:-

"Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must submit duly attested copies of relevant certificates issued to them on or before the closing date by the Competent/notified authority (in prescribed format) along with their application form, otherwise, their claim for SC/OBC/physically handicapped/Ex-servicemen & other special category will not be entertained....";

5. And whereas it had also been clarified in Point No.4 under the Column 'Note' of the said advertisement that "the closing date for receipt of applications for the post is to be treated as crucial date. OBC certificate obtained after the closing date shall not be considered and the prospective candidate will be considered under UR category, if eligible otherwise";

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6. And whereas the candidate Amjad Khan did not produce the OBC certificate of Delhi issued before the crucial date, i.e. 15.06.2012, as such, his candidature was not considered under OBC category as per the terms of advertisement. Further, the said Amjad Khan scored a total of 90.25 marks out of 198 marks and the last candidate considered under UR category had a score of 122.50 marks. Thus the candidature of Amjad Khan was not under consideration zone against UR category vacancies;

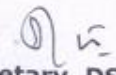
7. And whereas the applicant, Amjad Khan vide his representation dated 23.05.2016 has stated that he should have been considered under OBC category as he is OBC by birth as his father and brother are OBCs;

8. However, Amjad Khan has hidden the facts in his representation dated 23.05.2016 that he was aware of the facts regarding issuance of OBC certificate prior to the crucial date, i.e. 15.06.2012. Had he been aggrieved by the condition mentioned in the advertisement making it mandatory for issuance of OBC certificate prior to the crucial date, he would have then challenged the decision of the Board. However, he preferred to keep silent on the matter meaning thereby that he was well aware of his ineligibility for consideration under OBC category for having not obtained the required certificate from the Competent Authority before the crucial date.

9. Now, therefore, the DSSSB, in view of the facts and position explained above, has rightly denied the benefit of reservation to the candidate under OBC category on account of failure on his part to submit OBC certificate having been issued prior the crucial date.

10. This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble CAT.

11. Let this order be served upon Amjad Khan through Speed post.


Dy. Secretary, DSSSB

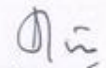
Amjad Khan,
S/o Mohd. Saleem,
R/o 27/316, Trilokpuri,
Delhi-110091

Copy to:-

1. ✓ Sr. System Analyst with the request to upload the order on the website of the Board
2. Notice Board

Pl. upload on website
[Signature]
21/7/16

AS(S)


Dy. Secretary, DSSSB