



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

No.F.4(388)/DSSSB/CC-I/2013/1198-1203

Dated: 07.09.2022

ORDER

Sub: Compliance of order/direction dated 04.07.2022 passed by Hon'ble Central Administrative Tribunal in OA No.1575/2022 titled as Nadeem V/s DSSSB & Others.

Whereas , the Ld. CAT, in OA No 1575/2022, titled as Nadeem Vs. DSSSB & Others, vide its order dated 04/07/2022, has directed as under:-

"5. In the facts and circumstances of the case, with the consent of learned counsels for the parties and without going into the merits of the case, the present O.A. is disposed of at this very stage, with direction to the respondents to consider the applicant's aforesaid pending representation dated 19.08.2021 (Annexure A-2), and to dispose of the same by passing an appropriate reasoned and speaking order, as expeditiously as possible and preferably within six weeks from the date of receipt of a copy of this order. 6. The O.A. is disposed of in the aforesaid terms."

And whereas, the representation dated 19.08.2021 of Sh. Nadeem R/o 160, Gali No 02, Old Mustafabad, Delhi-110094 was received in DSSSB earlier vide DSSSB Dy No 4099 dated 19.8.2021.

And whereas, in the representation dated 19.08.2021, Sh. Nadeem has mentioned that he was a candidate for the post of Teacher (Primary-Urdu) for the Post Code No. 69/09 but his candidature was rejected by DSSSB vide Rejection Notice No.323 dated 01.03.2014 due to possession of Educational Qualification, not as per RR's. Aggrieved by the Rejection Notice, he filed an O.A. No. 3190/2014 in Ld CAT which was dismissed vide order dated 31.08.2018, holding that applicant obtained Diploma from Maulana Azad National Urdu University (MANUU) which was not a recognized institution during academic session 2006-2008. The decision was also upheld by the Hon'ble High Court in WP (C) 575/2020 vide Judgment dated 17.01.2020. Thereafter, a Notification dated 12h May, 2020 was Published in Gazette of India by Ministry of Human Resource Development (Department of School Education & Literary) in confirmation of the second proviso to sub-section (1) of section 14 of the National Council for Teacher Education Act, 1993 (73 of 1993) recognizing retrospectively the Diploma in Primary Education for duration 2006 to 2008 of Maulana Azad National Urdu University(MANUU) & IGNOU. He, therefore, filed a Review Petition No.64/2021 in WP (C) 575/2020 before Hon'ble High Court to review its Judgment dated 17.01.2020 but the said Review Petition was disposed of vide order dated 15.7.2021, giving liberty to take recourse for agitating his rights in terms of Notification Dated 12.05.2020 and further observed that Judgment dated 17.01.2020 will not come in the way as it did not with the application, interpretation or impact of Notification dated 12.05.2020 and may make a representation to the concerned authority.

And whereas, he has further mentioned that the Ld. CAT, Principal Bench, New Delhi has allowed a similar matter in OA No. 2241/2014 vide order dated 05.02.2020 where the candidate Sh Rahila also obtained Diploma From IGNOU/MANUU and directed DSSSB to declare the result of concerned candidate. In compliance of order dated 05.02.2020, passed by Ld. CAT, the DSSSB accordingly, declared the result of Shri Rahila vide Notice No.1190 dated 23.09.2020 and sent his dossiers to SDMC vide letter dated 11.02.2021 for the appointment. Sh. Nadeem says that he is also the candidate for the identical and similar post of Teacher (Primary-Urdu) to the post code 69/09 and entitled for parity.

And whereas, the applicant Shri Nadeem has accordingly, requested to declare his result to the Post Code No. 69 /09 in the light of facts stated above and taking into consideration the Gazette Notification dated 12h May, 2020 of Ministry of Human Resource Development (Department of School Education & Literary) whereby the Diploma in Primary Education for duration 2006 to 2008 obtained by him from MANNU & IGNOU, has been recognized with retrospective effect.

And whereas, the applicant Sh Nadeem had applied for the post of teacher (Primary -Urdu) in post code 69/2009 in OBC category and appeared in the written examination, vide Roll. No. 6900670, held on 28.04.2013. He secured 127 marks and was shortlisted for documents verification.

And whereas, during the scrutiny of the certificates/documents, it was found that the applicant candidate, Sh. Nadeem, had done the Diploma in Primary Education (DPE) from Maulana Azad Urdu University.

And whereas, on the basis of clarification provided by South Delhi Municipal Corporation(SDMC) vide letter No D/2472/Addl Dir/ED/HQ/SDMC/2014 dated 19.2.2014 that Diploma in Primary Education (DPE) from Maulana Azad Urdu University was not granted recognition by NCTE, his candidature was rejected vide rejection notice dated 01.03.2014.

And whereas, aggrieved by the above rejection notice, the candidate approached to Ld. CAT vide OA No 3190/2014 which was dismissed vide Order dated 31.08.2018. After that the applicant candidate filed WP (C) 575/2020 which was also dismissed by Hon'ble High Court of Delhi. The review petition No 64/2021 in WP (C) 575/2020 before Hon'ble High Court of Delhi to review its judgment dated 17.01.2020 was also disposed of vide order dated 15.7.2021, stating that it cannot grant any relief, however, liberty was given to the candidate to file representation to the concerned authority, if so desired.

And whereas, it may be seen that the main argument in the representation is about the NCTE (Amendment) Act 2019/Gazette Notification dated 12.05.2020, notified by Ministry of Human Resource Development (Department of School Education & Literary) vide which Diploma in Primary Education, duration 2006 to 2008, from MANNU & IGNOU has been given recognition from retrospective effect.

And whereas, the NCTE (Amendment) Act 2019/Gazette Notification dated 12.05.2020, on careful reading, gives recognition from retrospective date to the Courses run by certain Central or State Government funded institutions as one time measure, thus have regularized the Courses run by the institutions which were till that date, illegal. Moreover, the said Act, nowhere, have said that recruitment conducted on the basis of existing status and the cases where recruitment process have been closed, have to be reopened and result of all those candidates be reconsidered. As this would create a situation whereby some candidates at the bottom of merit list have to be thrown out of Govt. Services. Further, there may be many law abiding candidates who may not have applied for the post considering themselves ineligible as their course was not recognized on the last date of advertisement of the vacancies. The true construction of the said Amendment Act 2019 would be that courses run by these institutions would be recognized retrospectively but only for the opportunities arising in future and not for the opportunity which has attained the finality, as in the instant case.

And whereas, the other argument in the representation is that the relief was granted to a candidate named Sh. Rahila in identical case in pursuance of order in OA No.2241/2014, titled Rahila Vs MCD and others in Ld. CAT

And whereas, OA No.2241/2014, titled Rahila Vs MCD and DSSSB was filed in Ld. CAT by Sh Rahila wherein the Ld. CAT has passed an order dated 05.02.2020, the operating part of which are as under:-

"13. We are granting this extraordinary relief only on account of the fact that the applicant approached this Tribunal earlier and the present OA was filed way back in the year 2014. This order shall not be construed as laying any general proposition."

And whereas, the applicant is seeking relief in accordance with the above case of Sh. Rahila but it may be seen that the said order was applicable to that particular case only as an extraordinary relief and the same is not applicable to the applicant as order dated 05.02.2020 shall not be construed as laying any general proposition.

And whereas, the recruitment process for the said post (Post Code- 69/09, PRT- Urdu) has already been closed on 08/06/2018 and the remaining 59 unfilled vacancies (UR- NIL, OBC 27 , SC -14, ST- 18, Total -59) have been surrendered to the User Department.

And now, therefore, in view of the above, the points raised by the candidate Sh. Nadeern have duly been examined and it is found that the same do not have any merit and is not tenable, hence the same is rejected after due consideration.

This issues with the approval of Chairman, DSSSB.



Dy. Secretary, DSSSB.

To,

Sh. Nadeem S/o Sh. Abdul Sattar
R/o- 160, Gali No. 2, Old Mustafabad,
Delhi- 110094.

No.F.4(388)/DSSSB/CC-I/2013/

Dated 07.09.2022

Copy for information and further necessary action to:

1. PS to Chairman, DSSSB.
2. PA to the COE, DSSSB.
3. Dy. Secretary (Legal), DSSSB.
4. Sr. SA (IT Branch), with the request to upload the same on the website of DSSSB.
- ✓ 5. Notice Board/Office Order file.



Dy. Secretary, DSSSB