



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

F.1 (166)/CC-II/DSSSB/2009/

Dated:

ORDER

Compliance of order/direction dated 27.11.2013 of the Hon'ble High Court of Delhi as passed in WP(C) No. 6485/2011 titled as DSSSB V/s Mr. Vikas Kumar.

Whereas, The Hon'ble High Court of Delhi in above mentioned Judgment/Order dated 27.11.2013 has dismissed the WPC No 6485/2011 on the ground, mentioned as under:-

“29. Challenge in WP(C) 6485/2011 is to the order dated March 23, 2011 allowing TA No. 73/2010 filed by Vikas Kumar, the respondent in the writ petition.

30. It is not in dispute that Vikas Kumar is ordinarily a resident of Delhi. In fact, his parents migrated to Delhi. He was born in Delhi and has studied in Delhi all throughout. The Senior Secondary School Examination has been cleared by him as a student of a Government Senior Secondary School. He has obtained a graduate degree at a collage at Delhi. He is a member of a cast which is a Scheduled Cast not only in Delhi but even his parent State where his ancestors resided before his father migrated to Delhi i.e. the State of Uttar Pradesh. The Tribunal has correctly opined in his favour of being entitled to the benefit of reservation in Delhi.

31. We accordingly dismiss WP(C) 6485/2011. “

Whereas, in compliance of above order, the case of applicant Mr Vikas kumar Roll No.01622183 has been re examined and it is found that:-

1. The applicant Mr. Vikas Kumar had applied for the post of Teacher (Primary) MCD under post code No.016/08. The DSSSB had conducted the examination for this post on 15.02.2009 and the result for the post code was declared on 06.10.2009.

2. The applicant Mr. Vikas Kumar was short listed in part-I examination in SC category on the basis of his/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 declaration of the result of Pt- I.

3. The candidate obtained 98/200 marks as per final merit list and his/her case was carefully examined before declaration of the result. The documents furnished by the candidate at the time of filling application were scrutinized and it was observed that the applicant was a SC (Migrant), as per SC certificate issued by SDM (South) New Delhi, which was issued on the basis of his father resident of village/town-Daha, District-Meerut, UP, and as per prevalent legal position at that stage i.e. the judgment dated 04.08.2009. of Hon'ble Supreme Court of India as passed in Civil Appeal No. 5092/09 (arising out of SLP Civil No. 24327 of 2005)- Subhash Chander & Others Versus D.S.S.B. and Others with W.P. ( C ) No. 507 of 2006 – Sarv Rural & Urban Welfare Society Versus Union of India & Others, the candidature of applicant was not considered for the post.

4. Now as per direction of Hon'ble High Court of Delhi in the matter, the dossier of Sh. Vikash Kumar was again put for scrutiny to verify other aspects and to ascertain his eligibility for the said post as per Recruiting Rules for post as well as terms and conditions of advertisement.

5. As per terms and conditions of advertisement, candidate should have acquired requisite qualification on **cut-off date i.e. 12.08.2008.**

6. The candidate in column No. 16 of his application form has shown ETT result as awaited and did not enclose Marksheet/Diploma certificate in ETT with application form.

206/17  
17/9/14



7. In order to verify this aspects the marksheet of Part-II of ETT in respect of Vikash Kumar was forwarded to concerned University/ Board. The Secretary, The J & K State Board of School Education vide letter dated 13.08.2014, has clarified that the result of ETT for session 2006-2008 was **declared on 11.12.2008 i.e. after cut-off date.**

8. Thus as per terms and conditions of advertisement candidature of sh. Vikash kumar can not be considered for selection to the post of Teacher (Primary) under post code-016/08 under SC category as he **did not possess the essential qualification as on cut of date i.e. 12.08.2008**

This issues with prior approval of the competent authority.

(Prashant Raghav)  
Dy. Secretary, (CC-II)

Sh. Vikas Kumar S/o Sh. Ram Niwas  
R/o K-II/604, Sangam Vihar,  
New Delhi-110062.

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Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PA to the Member-II, DSSSB.
3. PA to COE, DSSSB.
4. Dy. Secretary (Legal), DSSSB.
- ✓ 5. SA (IT) with the request to upload the same on the website of DSSSB
6. Office order file.

Dated: 17/09/14

(Prashant Raghav)  
Dy. Secretary, (CC-II)