



No.F.4 (387)/CC-I/DSSSB/2013/7282-90

Dated: 11.02.2020

**REJECTION NOTICE NO.1032**  
**SPECIAL EDUCATION TEACHER UNDER POST CODE-01/13**  
**DIRECTORATE OF EDUCATION, GNCTD.**

It is stated that vide order dated 24.10.2019 passed by Hon'ble Supreme Court in matter of Civil Appeal No. 8259/2019 titled Govt. of NCT of Delhi & Ors. Vs. Pradeep Kumar & Others for the post of Special Education Teacher post code 01/13 in Directorate of Education it has been ordered as under:-

***"24. It is important to keep in mind that the respondents are competing for general category vacancies. All others in this group have obtained their CTET eligibility qualification, securing the normal pass marks without availing any relaxation of pass norms. On the other hand, the respondents despite their lesser marks in the CTET examination, could qualify only because they availed the relaxation benefits as OBC category examinees. Their eligibility qualification is secured under relaxed norms meant for OBC category and therefore we do not think it is proper to consider them to be eligible for the general category vacancies and contention to the contrary is unacceptable.***

***25. The respondents with their CTET qualification under relaxed norms would be eligible for OBC category posts provided their OBC status is certified and recognized by the Delhi government. But such not being the case, they are ineligible for the reserved category vacancies. To allow them to migrate and compete for the open category vacancies would not be permissible simply because, they have secured the CTET qualification with relaxation of pass marks meant for those belonging to the OBC category. As the respondents have not secured the normal pass marks for general category, their eligibility for the general category vacancies is not secured. Therefore, their performance in the selection examination would be of no relevance, in the present process.***

***26. As earlier discussed, this case concerns qualifications obtained with concession in pass marks. Such concession would have a direct impact on standards of competence and merit in the recruitment of Special Education Teachers. The principles of reservation under the Constitution of India are intended to be confined to a specifically earmarked category and the unreserved***

***category must be protected, to avoid dilution of competence and merit. If Vikas Sankhala (supra) is interpreted shorn of its peculiar facts, as has been suggested by the respondents' counsel, it would in our perception, considering that respondents secured the qualification under relaxed norms, would lead to dilution of merit in the unreserved category. The arguments made to the contrary by the respondents is therefore rejected.***

**27. In view of the forgoing, the High Court and the Tribunal erred in granting relief to the respondents. The impugned judgment of the High Court of Delhi in Writ Petition (C) No. 557 of 2019 dated 21.1.2019 is set aside and this appeal is allowed. No order as to costs".**

2. It is stated that in compliance of Hon'ble High Court Order dated 21.01.2019 in the matter WP (C) 557/2019 titled Govt of NCT of Delhi & Ors Vs Pradeep Kumar & Ors the following 07 (Seven) candidates were provisionally selected for the post of Special Education Teacher under Post Code- 01/13 vide Result Notice No. 776 dated 10.05.2019 subject to outcome of the SLP/ Civil Appeal filed by this Board vide Diary No. 14400 dated 20.04.2019 which was subsequently assigned Civil Appeal No. 8259/2019, Judgment of which has been mentioned above:

**UR CATEGORY-TOTAL-07**

SL. No.	Roll No.	Remarks
1	110254	The candidate does not fulfill the eligibility criteria prescribed for UR Category as he scored 84 marks in CTET whereas minimum marks required to qualify CTET as UR Category was 60% i.e. 90 as per CTET guidelines.
2	110039	The candidate does not fulfill the eligibility criteria prescribed for UR Category as he scored 89 marks in CTET whereas minimum marks required to qualify CTET as UR Category was 60% i.e. 90 as per CTET guidelines.
3	110589	The candidate does not fulfill the eligibility criteria prescribed for UR Category as he scored 85 marks in CTET whereas minimum marks required to qualify CTET as UR Category was 60% i.e. 90 as per CTET guidelines.
4	110281	The candidate does not fulfill the eligibility criteria prescribed for UR Category as he scored 89 marks in CTET whereas minimum marks required to qualify CTET as UR Category was 60% i.e. 90 as per CTET guidelines.
5	110188	The candidate does not fulfill the eligibility criteria prescribed for UR Category as he scored 86 marks in CTET whereas minimum marks required to qualify CTET as UR Category was 60% i.e. 90 as per CTET guidelines.
6	110218	The candidate does not fulfill the eligibility criteria prescribed for UR Category as he scored 88 marks in CTET whereas minimum marks required to qualify CTET as UR Category was 60% i.e. 90 as per CTET guidelines.
7	110103	The candidate does not fulfill the eligibility criteria prescribed for UR Category as she scored 85 marks in CTET whereas minimum marks required to qualify CTET as UR Category was 60% i.e. 90 as per CTET guidelines.

3. Now, in view of the aforesaid Judgment passed by Hon'ble Supreme Court vide Order dated 24.10.2019 in the matter of Civil



**Appeal No. 8259/2019 titled Govt. of NCT of Delhi & Ors. Vs. Pradeep Kumar & Others the candidature of all the above mentioned 07 (Seven) candidates for the post of Special Education Teacher under post code 01/13 in Directorate of Education, GNCTD, is hereby rejected and their provisional selection vide Result Notice No. 776 dated 10.05.2019 is hereby rescinded.**

4. While every care has been taken in preparing the notice, DSSSB reserves the right to rectify errors and omissions, if any, detected at any stage.

This issues with the prior approval of the Competent Authority.

  
**Deputy Secretary, DSSSB**