



GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092
PH:- 011-22370237

No.F.4 (388)/DSSSB/CC-I/2013/9753-62

Dated:23.09.2020

COMPLIANCE NOTICE NO.1190
TEACHER PRIMARY(URDU) POST CODE-69/09
IN MUNICIPAL CORPORATION OF DELHI

1. This is in Compliance of the order dated 05.02.2020 of Ld. CAT in the matter of Rahila Vs. SDMC & Ors, OA No. 2241/2014 wherein the OA has been allowed by Ld CAT.
2. The written examination of the Post of Teacher Primary (Urdu) in MCD under Post Code 69/09 was conducted on 28.04.2013. The candidates were called in DSSSB for verification of original documents. During the course of verification it was noticed that some of the candidates including Ms Rahila did not possess the essential qualification prescribed by the user Department as prescribed in clause 8 (iii) of RRs as the applicant Rahila (Roll No. 06901700) had done the Diploma in Primary Education (DPE) from Maulana Azad National Urdu University which was not recognized as on the cut off date i.e. 15.01.2010. A clarification was sought from the SDMC vide letter dated 18.02.2014. The SDMC vide their letter dated 19.02.2014 forwarded a letter dated 11.02.2014 of the NCTE and letter dated 06.12.2013 of Southern Regional Committee, NCTE and clarified that the course conducted by Maulana Azad National Urdu University (MANUU) alongwith Indira Gandhi National Open University (IGNOU) has not been granted recognition by NCTE for conducting DPE course under distance mode. Accordingly, her candidature was rejected vide rejection notice dated 01.03.2014. The recruitment process for the said post (Post Code- 69/09, PRT- Urdu) has already been closed on 08/06/2018.
3. Aggrieved by the rejection dated 01.03.2014, the applicant Ms. Rahila approached Ld. CAT vide OA No.1126/2014 titled as Rahila Vs. GNCTD & Others. The Ld. CAT, vide their order dated 02.04.2014, had ordered as follows:-

".....3. In view of the circumstances and in the interest of justice, we dispose of the present OA, without going into the merits of the case, at the admission stage, by directing the respondents to

consider the representations of the applicant and to pass a reasoned and speaking order giving specific reasons for rejection of her candidature, within a period of three weeks from the date of receipt of a copy of this order. It is also further directed that the respondents shall keep one post of Teacher (Primary -Urdu) post code 69/2009, vacant till they pass orders on the representations of the applicant, as directed above."

4. In compliance, the Board reconsidered the candidature of Ms Rahila and issued a speaking order No. 329 dated 20.05.2014 vide which the candidature of Ms Rahila was rejected again. The operative part of the said order is as follows:-

"....3. South Delhi Municipal Corporation has provided a copy of letter from National council for Teacher Education vide No. File No. 48-52/2013/NCTE/N&S/A82813 dated 11.02.2014 wherein they intimated that the Maulana Azad National Urdu University, Hyderabad has not been granted recognition for conducting DPE course under Distance mode.

4. That as per documents submitted by the applicant she has done her Diploma in Primary Education (DPE) from MAULANA Azad National Urdu University, Hyderabad /IGNOU which is not recognized as per information provided by the User Department.

Keeping in view of the above fact Ms Rahila was not considered, hence her candidature was rejected."

5. Aggrieved by this rejection dated 20.05.2014, the applicant Ms. Rahila again approached Ld. CAT vide OA No.100/2241/2014 titled as Rahila Vs. GNCTD & Others. Now, Ld. CAT vide their order dated 05.02.2020 has allowed the OA captioned above. The operative part of the said order is as follows:-

".....7. There is no dispute about the senior secondary certificate possessed by the applicant. The main controversy is about the 2 year diploma/certificate course



in ETE/JBT or B. El. Ed. from recognized institutions or its equivalent.

8. The applicant states that she has studied the diploma course in Primary Education Programme jointly conducted by 4th and 5th respondents. The certificate reads as under: "Provisional Certificate Sl.No.DPE06074 Enrolment No.1074 This is to certify that Mr/Ms. RAHILA Son/ Daughter of Mr. Qutubuddin passed the Diploma in Primary Education Program (Jointly offered by IGNOU and MANUU) in June 2008 and has secured grade 'B'. Sd/- Controller of Examinations.

9. The 2nd respondent refused to treat the diploma certificate possessed by the applicant as valid. The basis for such an opinion was that the 6th respondent is said to have taken a view that it did not accord permission to the 5th respondent to conduct any such course.

10. Had it been a case where the 6th respondent alone issued the diploma, things would have been different all together. From the perusal of the certificate, it is evident that it was issued by respondents 4 and 5 jointly. The course was also offered jointly by both of them.

11. The NCTE passed an order dated 1.11.1999 according permission to the 4th respondent to conduct courses for Diploma in Primary Education of two years duration, through distance mode. Similar order was passed on 21.08.2000. However, in the impugned order dated 20.05.2014, this aspect was not taken into account. It was proceeded as though the certificate was issued exclusively by the 5th respondent. Once it has become clear that the 6th respondent accorded permission to the 4th respondent and the latter, in turn, conducted the diploma course in Primary Education Programme in collaboration with 5th respondent, the view taken by the 2nd respondent cannot be treated as valid.

12. We, therefore, allow the OA and quash and set aside the impugned order dated 20.05.2014. The respondents shall consider the case of the applicant for appointment treating that the diploma studied by her is valid. In case, the applicant is selected on the basis of marks secured, her appointment shall be prospective in nature. The exercise in this behalf shall be completed within a period of two months from the receipt of a certified copy of this order.

The applicant has also undertaken not to claim any retrospective benefit in whatever form.

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.

There shall be no order as to costs."

6. Accordingly, in compliance of the above order dated 05.02.2020 of Ld CAT, the rejection of the candidate viz. Rahila having Roll No. 06901700 for the post of Teacher Primary (Urdu) in MCD under Post Code 69/09 vide Order No 329 dated 20.05.2014 is hereby rescinded and the said candidate, with following details, is provisionally nominated for the post of Teacher Primary (Urdu), under post code 69/09 in MCD under UR category:

UR CATEGORY (Total -01)

S. NO.	ROLL NO.	NAME	DOB	MARKS
1	06901700	Rahila	23.09.1984	105.0

7. The provisional selection of the above candidate shall not be treated as precedent in terms of the above order dated 05.02.2020 of Ld CAT wherein it has been directed that **"...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 to be construed as laying any general proposition."**
8. The User Department shall undertake the scrutiny of the educational qualifications and certificates /documents submitted by the candidate and ascertain the admissibility of the educational certificates submitted by the candidate and her eligibility for the said post as per RRs before issuing of the offer of appointment.
9. Further, the provisional selection of the above **ONE (01) (UR-01) candidate** shall be subject to genuineness of the documents on the basis of which she has claimed to have fulfilled all the eligibility conditions as prescribed in the RRs and terms and conditions of advertisement inviting applications and subject to thorough verification of her identity with reference to the photographs, signatures/ handwriting etc. On the application form, admission certificate etc. **The candidature of the candidate is liable to be cancelled by the User Department, in case, candidate is found not fulfilling all the eligibility conditions of the Recruitment Rules for the posts or for any other genuine reason. The decision of the User Department regarding the eligibility of the candidate shall be final and binding on the candidate. The Competent Authority of the**

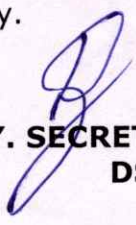
Department concerned shall issue the offer of appointment to the candidates after being satisfied about their eligibility as laid down in the recruitment rules and after verification of the correctness of the information furnished in the application form and the documents related to Educational Qualification, Age and other essential certificates. The DSSSB has not undertaken the veracity/ scrutiny of the essential educational qualifications furnished by the candidate.

10. The User department shall also check the eligibility of the reservation benefit, if any. Further, if applicable, User Department shall verify the genuineness of the caste certificate furnished by the candidate prior to issuing offer of appointment to the candidates. The Competent Authority of the User Department shall arrange to verify the correctness of the information/ documents as furnished in the application forms and e-dossier vis-à-vis the original documents. The user Department is requested to ascertain the scrutiny/correctness of the same at their own level before issuing the offer of appointment to the provisionally selected candidates. Further, the appointing authority shall verify and satisfy itself about the authenticity of documents/certificates and essential qualification for the post before finally appointing the candidate. The User Department is also requested to rectify/correct, in case, any minor/clerical error/deficiency noticed in the documents of the candidate at their own level.
11. It is stated that the User Department i.e. DOE shall verify the genuineness of the caste certificate furnished by the candidates in the light of Notification No. 36012/22/93-Estt.(SCT) dated 08/09/1993 issued by DOPT and other instructions/ guidelines issued from time to time by the competent authorities prior to issuance of offer of appointment to the candidate. It is further stated that, prior to appointment, the user department must satisfy, itself, that the above candidates are fulfilling the necessary criteria as prescribed for entitlement of OBC(Delhi) certificate as specified in various Orders/Guidelines/Circulars including order dated 07/03/2017 issued by Revenue Deptt, GNCTD after thorough verification of caste certificate.
12. **User Department shall also get the SC/ST/OBC certificates verified from the issuing authority. Further, in case of the OBC candidates, it may also be verified that the candidate does not belong to creamy layer of the schedule of Govt. of India, DOPT O.M. No. 36012/22/93-Estt.(SCT) dated 08.09.1993, O.M. No. 36033/3/2004-Estt. (Res) dated 09.03.2004 and 14/10/2008 and 36033/1/2013-Estt. (Res) dated 27.05.2013 & 13.09.2017.**
13. **The Competent Authority of the Department concerned shall issue the appointment letters to the candidates after verification of the correctness of**

the information furnished in the application form and the documents related to education qualification, age and other essential certificates including caste certificate as per Government of India instructions issued in this regard **vide MHA OM No. 2/29/54-RPS, 19/11/54.**

14. **The User department shall ensure that the appointment made is in conformity with DOPT guidelines and instructions of Govt issued from time to time.**
15. Mere inclusion of the name of the candidate in the result notice does not confer any right upon the candidate over the post unless the user department is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post.
16. **The recruitment process for the post code-69/09 has already been closed.**
17. **While every care has been taken in preparing the result, 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.


**DY. SECRETARY
DSSSB**