



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

F.No.4 (72)/DSSSB/CC-I/04/9260-69

Dated: 04.08.2020

SUPPLEMENTARY RESULT NOTICE NO:1155
AYURVEDIC COMPOUNDER (HEALTH DEPARTMENT)
UNDER(POST CODE 0023/2003) IN MCD.

1. This is in Compliance of Ld. CAT vide order dated 09.11.2016 in the matter of Pradeep Kumar Goswami & Anr. in OA no. 165/2013. The Ld. CAT has directed as under:

"....In view of the facts explained above, we are of the view that respondents have taken an incorrect view that the applicant does not fulfill the required experience. Therefore, the impugned order dated 08.11.2012 is quashed and set aside and the respondents are directed to appoint the applicant to the post of Ayurvedic Compounder in Ayush Department of South Delhi Municipal Corporation. He will draw pay and allowances from the day he joins, No arrears can be paid to the applicant.

We fix a time frame for implementation of our order as 90 days from the date of receipt of a certified copy of this order".

2. The above order dated 09.11.2016 of the Tribunal was challenged by user department i.e. SDMC before Hon'ble High Court Delhi vide W.P. (C)3766/2017 & C.M. No. 16581/2017, but the appeal of the User Department was dismissed by Hon'ble Court upholding the decision of Hon'ble CAT vide Order dated 26.02. The relevant portion of order dated 26.02.2019 of Hon'ble High Court is re-produced here as under:-

"....The petitioner issued an advertisement for the post of Ayurvedic Compounder on 5.6.2003. The respondent and several other candidates submitted their application by the cut off date i.e. 30.6.2003. The examination to the said post was held on 4.4.2004. The results were however, not declared on account of litigation initiated before the tribunal. On 14.1.2010 in one of the original applications the tribunal has directed the petitioner to declare the result. Consequently, the results were declared and the successful candidates were called upon to submit their documents. The respondent also submitted his documents. The petitioner vide result notice dated 28.8.2012 had declared that no candidate was found eligible / suitable for selection to the post of Ayurvedic Compounder. The respondent was aggrieved by the said action of the petitioner and he preferred an O.A. No. No.3156/2012, which was disposed of on 20.9.2012,

directing the petitioner to pass a speaking order as to why the respondent's candidature was rejected. Consequently, order was passed by the petitioner on 8.11.2012 conveying its reasons for rejection of the respondent's candidature.

The same was also assailed by the respondent before the Tribunal in O.A. in question. The Tribunal found that the respondent has obtained Bachelor of Ayurvedic Medicine and Surgery qualification from the University of Delhi in the year 1995. The same is of five and a half year regular degree programme, which also entails practical training for two years which was undergone by the respondent in the years 1993-94 to 1994-95. The respondent is a physically challenged candidate and considering the fact that he was a qualified Ayurvedic Doctor holding a Bachelor of Degree in Ayurvedic Medicine and Surgery, the Tribunal held that he could not be said to be less qualified for the post of Ayurvedic Compounder. The practical training undergone by the respondent for two years while taking Bachelor of degree course in Ayurvedic Medicine and Surgery was treated to be sufficient experience in terms of the advertisement. Though, counsel for the petitioner sought to urge that the tribunal has not appreciated the fact that the respondent does not have one of the enlisted qualifications, and that the experience earned in practical training cannot be a substitute for two years' experience as an Ayurvedic Compounder, we are not inclined to go into the said issues in the special facts and circumstances of this case taking note of hereinabove. In exercise of our jurisdiction under Article 226 of the Constitution of India, while undertaking judicial review, we are not obliged to interfere with each and every order of the tribunal, which may have been passed, if we are satisfied that the same meets the ends of justice. We, therefore, decline to interfere with the impugned order passed by the tribunal, while making it clear that the same shall not form a precedent for any other case. The petition stands dismissed in above terms".

3. Further, the above order dated 26.02.2019 of the Hon'ble High Court was challenged by user department i.e. SDMC before Hon'ble Supreme Court vide SLP diary no. 3817/2020. The Hon'ble Supreme Court has ordered that "the SLP is dismissed. However the question of law is left open".
4. The DSSSB, vide its advertisement No. 01/2003 had advertised total **58 vacancies (UR-27, OBC-16, SC-08, ST-05 INCL. 02 PH)** for the post of Ayurvedic compounder (post code 0023/2003) in MCD (Health Department) with closing date **30.06.2003**. Tier-I Examination in offline mode was conducted on **04.04.2004**.

5. On the basis of marks obtained in Offline Tier-I examination held on **04.04.2004** and having been found provisionally eligible as per documents uploaded in support of educational qualification, age etc. in accordance with advertisement No. 01/2003 and marks secured in written examination and after preliminary scrutiny, as per the provisions of the statutory Recruitment Rules for the post of Ayurvedic compounder (post code 0023/2003) in MCD (Health Department) the result was declared vide **Result Notice No. 293 dated 28.08.2012.**
6. Accordingly, in continuation to the **Result Notice No. 293 dated 28.08.2012,** the following candidate, as per details given below, is also provisionally nominated for the post of Ayurvedic compounder (Health Department) in MCD under post code 0023/2003.

OBC Category- Total-01

S. No.	Roll No.
01	23143753

7. The provisional selection of the above **ONE (01) (OBC-01)** shall be further subject to genuineness of the documents on the basis of which they have 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 their identity with reference to their 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.**
8. **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.

9. 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-Esttt.(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.
10. 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.
11. 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.
12. The User department shall ensure that the appointment made is in conformity with DOPT guidelines and instructions of Govt issued from time to time.
13. 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.
14. The recruitment process for the post code-23/2003 has already been closed.

15. 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**