



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

F.1 (399)/CC-II/DSSSB/2019/63-65

Dated:-06/01/2022

ORDER

1. This order shall dispose of the representation dated 20.07.2020 by Ms. Rishu Choudhary (Roll No. 11280901445), a candidate for the post of **Nursing Officer** in Post Code-03/18 in **Health & Family Welfare Department**, Govt. of NCT of Delhi
2. That the applicant vide her representation dated 20.07.2020 has prayed as under:

"That she applied in the post code 03/18-Nursing Officer and her candidature was rejected on the ground that her OBC certificate was Outside Delhi. She stated that her OBC certificate has been prepared by mistake of SDM office. She stated that she applied on the basis of her father's certificate. She approached the SDM office and submitted her application for correction of OBC certificate. Further she submitted the corrected OBC certificate and requested for consideration of her corrected certificate for the post."

3. The candidature of the candidate **Ms. Rishu Choudhary (Roll No. 11280901445)** was already rejected in OBC (Delhi) category under post code 03/18 vide Result Notice No.996 dated 13/06/2020 as the candidate was not eligible to seek the reservation benefits under OBC category in Delhi.
4. That the representation of the applicant i.e. Ms. Rishu Choudhary (Roll No. 11280901445) under post code 03/18 has been examined and it is hereby informed that:
5. That as per requisition received from the Health & Family Welfare Department, the DSSSB advertised the following vacancies vide its advertisement no. 02/2018 dated 05.07.2018. The details of the vacancies as per Advertisement No. 02/2018 was as under:-

Sr. No.	Post Code	Post Name	Vacancies	UR	OBC	SC	ST	OH (OL)	EXSM
1.	03/18	Nursing Officer	684	345	185	103	51	27	68

6. That later on vacancies in the above mentioned post code has been revised, which is as mentioned below, vide addendum to advertisement no. 02/2018 dated 26.08.2019. The revised vacancy in the post coder is as mentioned below:-

Sr. No.	Post Code	Post Name	Vacancies	UR	OBC	SC	ST	OH (OL)	EXSM
1.	03/18	Nursing Officer	1024	516	277	154	77	41	102

7. That the prescribed cutoff date for determining educational qualification, age, experience and other eligibility conditions against the post was to be determined as on the closing date of online submission of application, that was 13.08.2018
8. That in Clause 5 of the advertisement itself, it has been informed by the Board the nature of OBC Certificate which a candidate must possess to avail the benefit of reservation. It reads as under:-

"5. Reservation Benefits:-

- (i) Reservation benefits will be available to the SC/ST/OBC/Physically Handicapped and other special category candidates in accordance with the instructions/orders/circulars issued from time to time by the Govt. of Delhi.

- (ii) Candidate who wish to be considered against reserved vacancies and/or to seek age relaxation, must be in possession of relevant certificates (SC/ST/EWS/OBC/Non Creamy Layer/PH/Educational/ Experience, etc.) issued by the competent/notified authority (in prescribed format) on or before the cutoff date (closing date for advertisement) otherwise their claim for any category will not be entertained and their application will be considered against Un-reserved (UR) category vacancies, if eligible otherwise. The candidate has to select that particular category when applying online for the post. No request for change of category will be entertained at later stage.
- (iii) Only OBC (Delhi) candidates will be given the benefit of reservation/age relaxation under OBC category. OBC (Outside) candidates will be treated as unreserved candidates and they must apply under UR category. The OBC candidates must be in possession of non-Creamy layer certificate along with his/her caste certificate.
- (iv) Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBCs:-
- (A) OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of a old certificate issued to any member of Individual's family from GNCT of Delhi.
- (B) OBC certificate issued by a competent authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. This certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of NCT of Delhi to a family member of the concerned person who had been residing in Delhi before 08/09/1993.

9. That the applicant appeared in the written examination and obtained marks as per detail given below:

S.No.	Name	D.O.B.	Category	Roll No	Marks Obtained
1	Rishu Choudhary	28.02.1996	OBC (D)	11280901445	104.77

10. The marks of the candidates were released and candidates were shortlisted for uploading e-dossier vide Notice No. 873 dated 09.01.2020. The e-dossier link was activated during the period 14.01.2020 to 28.01.2020. The cutoff marks for calling e-dossier of short listed candidates was as mentioned below:-

Category	UR	OBC	SC	ST	OH (OL)	EXSM
The minimum marks for calling of e-dossier purpose only (out of 200 marks)	115.28*	85.93	100.99**	94.66	60.17	64.10(SC)

*The candidate having DoB as 10.06.1990 is the last candidate in UR Category.

**the Candidate having DoB as 10.05.1995 is the last candidate in SC Category.

11. That during scrutiny of the e-dossier of the applicants, it was noticed that the applicant **Ms. Rishu Choudhary (Roll No 11280901445)** has uploaded OBC certificate bearing no. 90500000438742 dated 09.08.2018 issued by Govt. of Delhi which belongs to the JAT community of UTTAR PRADESH State. On the examination of that OBC certificate it reveals that the same was issued by the Executive Magistrate on the basis of OBC certificate bearing No.11 dated 29.03.2009 of **SANT KUMAR** father of the applicant **Ms. Rishu Choudhary**.
12. That the OBC certificate no. 90500000438742 dated 09.08.2018 was obtained by the applicant **Ms. Rishu Choudhary** on the basis of document, ie OBC Certificate of her father, submitted by her before the Competent Authority. Therefore, the said OBC certificate was issued to the applicant and was valid on the cutoff date of submission of application, i.e., 13.08.2018 and also on the date of issuance of **Result Notice No. 996 dated 13.06.2020**. The applicant has claimed herself as original and ordinarily resident of UTTAR PRADESH before the caste certificate issuing authority of Delhi. In the context of verification of social status for appointment in Delhi Administration, one significant factor is about nativity. In case the person is native of Delhi, a certificate is to be issued

in particular form. If on the other hand, he falls from any other place where the social status is recognized as OBC, the Certificate, in all together different format, is required to be issued.

13. That in the OBC Certificate dated 09.08.2018 of the applicant it is clearly mentioned that:-

This Certificate is issued on the basis of OBC Certificate issued to **SANT KUMAR FATHER of RISHU CHOUDHARY R/o VILL BADAUT UP** belongs to **JAT** community of **UTTAR PRADESH** State vide Certificate no.11 dated 29/03/2009 issued by the **TEHSILDAR**.

14. That the OBC Certificate dated 09.08.2018 was in possession of the applicant since its issuance and the same was willfully submitted by the candidate in her login ID on OARS module on vide e-dossier no. 69467682, which was examined/scrutinized by the Board before provisionally nominating candidates in post code 03/18, **Nursing Officer in Health & Family Welfare Department** vide Result Notice No. 996 dated 13.06.2020.
15. That the candidate has been rightly treated by the Board in UR category on the basis of OBC certificate dated 09.08.2018, which was obtained by the applicant, kept in possession by the candidate and also willfully submitted by the candidate to the Board in her e-dossier.
16. That the candidate/applicant has been treated as UR candidate in terms of clause (5) for reservation benefits which was notified in the Advertisement No. 02/18 (referred in para 11 above).
17. That the OBC certificate uploaded/submitted by the candidate **Ms. Rishu Choudhary (Roll No 11280901445)** is not in accordance with the terms and conditions as per para 5 titled as "RESERVATION BENEFIT" of the advertisement accordingly her candidature was rejected in OBC (Delhi) category vide **Result Notice No. 996 dated 13.06.2020** on the ground that the candidate is not eligible to seek the reservation benefits under OBC category in Delhi being OBC outsider. Further candidature of the candidate was considered in UR category so her candidature has been kept in waitlist panel of the UR category as per her merit.
18. That on the basis of OBC (Delhi) Certificate submitted with her representation dated 20.07.2020 after declaration of result in the post code; she is seeking selection in OBC (Delhi) on the basis of Caste Certificate which was not in her possession at the time of declaration of result and is afterthought and too after the declaration of result.
19. The applicant aggrieved at the rejection of her candidature in OBC category filed a representation praying herein to consider her candidature in view of the OBC certificate submitted with her representation.
20. The applicant as an afterthought obtained/procured the OBC (Delhi) certificate and that too after the declaration of result. The applicant should have applied for and obtained the certificate by making the requisite application before cutoff date of application submission in the post code 03/18. Not having done so, she cannot expect the entire administration to work as per her wishes, at the cost of serious administrative inconvenience.
21. That if such relaxation were to be made, it would lead to an unending process, leading to confusion and chaos and delay in the declaration of the results. It would also not be fair to other similarly placed candidates who may have applied as General category candidates because they did not possess the caste certificate at the time of making the application.
22. That in the matter of MCD Vs Veena reported in 2001 (6) SCC 571 the Hon'ble Supreme Court after placing reliance upon decision of the Constitution Bench in Marri Chandra and Action Committee's case held that outsider OBC will be treated as General Candidate in Delhi.



23. That a similar view has been taken by a Coordinate Bench of Delhi High Court in the case of Pooja Shrawat V. Govt. of NCT of Delhi in W.P. (C) No. 12563/2018 decided on 26/11/2018 and in somewhat similar matter titled Sonal Panwar V. DSSSB, through its Secretary in W. P. (C) No. 9464/2019. In the judgment of Pooja Sehrawat (supra) in para 15 it is mentioned that:-

"The position is not different when it comes to non-submission of a crucial document by a candidate on which his/her candidature is determined. The petitioner should have applied for and obtained the certificate by making the requisite application. Not having done so, she cannot expect the entire administration to work as per her wishes, at the cost of serious administrative inconvenience. If such relaxation were to be made, it would lead to an unending process, leading to confusion and chaos and delay in the declaration of the results. It would also not be fair to other similarly placed candidates who may have applied as General category candidates because they did not possess the caste certificate at the time of making the application."

24. The representation of the candidate having Roll No.11280901445 has been examined & considered and in the light of the terms & conditions mentioned at point 5 (ii) & other relevant clause/s of the Advertisement No.02/2018, the representation of the candidate for consideration of her in OBC (Delhi) category under post code 03/18 cannot be considered as the OBC (Delhi) certificate dated 16.07.2020 submitted by the candidate with the representation was issued after the cutoff date (closing date of advertisement) of post code 03/18 i.e. 13.08.2018 and also after declaration of Result Notice No. 996 dated 13.06.2020. Filing of representation by the applicant after provisional nomination of candidate in post code 03/18 vide Result Notice No. 996 dated 13.06.2020 has been initiated by her as an afterthought. Hence her request cannot be acceded as a time barred action, as it is against the laid down policy of the Board and also against the law laid down by Hon'ble Courts as mentioned above.
25. This issues with the approval of Competent.
26. Let this order be served upon to Ms. Rishu Choudhary having Roll No 11280901445 in Post Code 03/18 Nursing Officer at her address House No. 20, Water Works No.1, Civil Lines, Delhi-54


Dy. Secretary, DSSSB

To

Ms. Rishu Choudhary
House No. 20, Water Works No.1,
Civil Lines, Delhi-54

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Dated:-06/01/2022

Copy to:

1. System Analyst with the request to upload the order on the website of the Board.
2. Notice Board


Dy. Secretary, DSSSB