



GOVERNMENT OF NCT OF DELHI

Delhi Subordinate Services Selection Board

FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092

Website: www.dsssb.delhigovt.nic.in

F.No.(188)/Result/PGT(Pol.Sci)Male/Int.cell/DSSSB/2018-19/3222-28 Dated: 01/12/21

ORDER

Whereas the Hon'ble CAT while disposing the OA No.2089/2021 vide order dated 22.09.2021 in the matter of Ajay Kumar Vs. GNCTD & Ors. had directed the DSSSB to issue a speaking order to dispose of the representation of the said Ajay Kumar dated 8.9.2021. The operative para of the Hon'ble CAT is as below:-

Para-2: "Briefly stated, the case of the applicant is that in pursuance of advertisement No.04/2017 dated 20.12.2017, the applicant applied for the post of PGT (Political Science) Post Code 114/17, under the OBC category as a departmental candidate. The applicant appeared in the written examination on 05.08.2018 and secured 135.25 marks. Respondent No.2 declared the first result on 30.04.2019 for the successful candidates up to the cut off marks 136.25, but the applicant was not shortlisted as he secured 135.25 marks against the cut off marks 136.75. Apart from declaration of first result, the respondents as per Notification dated 13.06.2013 (Annexure A-2), decided to prepare a panel/waiting list upto the extent of 10% of the posts notified, in addition to the number of candidates selected as per the notified vacancies in case any of the selected candidates does not join the post. As and when any post fell vacant due to not joining the post by the selected candidates, the respondents in order to fill that post kept on declaring results from time to time, i.e., on 30.07.2019, 02.08.2019, 25.09.2020 and lastly a supplementary result was declared on 18.03.2021 offering appointment to some of the selected candidates from the reserve panel/waiting list. It is the case of the applicant that since the offer of appointment given to Mr. Manoj Kumar (EMP.ID-20200566) to the post of PGT (Political Science) Male vide supplementary result declared on 18.03.2021 has been cancelled vide order dated 03.08.2021 (Annexure A-13), as he willfully chose not to join the school allotted to him, one post again fell vacant, against which the case of the applicant, if the reserve panel/waiting list is not exhausted, needs to be considered as the reserve panel/waiting list is valid for one year from the date of declaration of supplementary result dated 18.03.2021.

Para-3: Ms. Amita Singh Kalkal, learned counsel appearing on behalf of applicant draws our attention to the order dated 03.08.2021 cancelling the offer of appointment given to Mr. Manoj Kumar, as mentioned above, the post is still lying vacant and the reserve panel/waiting list is not yet over. Hence, the reserve panel can be operated by offering appointment on the basis of merit. It is submitted by learned counsel for the applicant that the position of the applicant in the reserve panel/waiting list is at number one, and one post is lying vacant after cancellation of the offer of appointment given to Mr. Manoj Kumar, against which he can easily be accommodated. Accordingly, the applicant approached the respondent-authority by making a representation dated 08.09.2021, which is yet to be decided.

Para-4: It is undisputed that after making a representation for redressal of grievance, one has to wait for at least six months. Since the instant matter relates to appointment from the reserve panel/waiting list, which is to expire shortly, we deem it fit and proper to dispose of this OA at the admission stage itself directing the respondent no.2, i.e., Delhi Subordinate Service Selection Board, to dispose of the representation of the applicant sent through e-mail on 08.09.2021, and if vacancy still exists with the respondent-department, his case be considered by operating the reserved panel/waiting list, by passing a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs".

However, it is also evident from the said order of Hon'ble CAT that the applicant submitted wrong information before the Hon'ble CAT that the panel/waiting list is valid for one year from the date of declaration of Supplementary Result dated 18.03.2021 (as mentioned in para-2 of the said order of Hon'ble CAT). The correct fact is that the waiting list or the panel is valid for one year from the date of declaration of main/first result which was declared on 30.04.2019 vide Result Notice No.417. Thus, the validity of the waiting panel was upto 29.04.2020. However, due to the pandemic situation of Covid-19 with the due approval of Hon'ble Lt. Governor of Delhi the panel validity was extended upto 31.12.2020 for all purpose. Hence, the validity period was not upto 18.03.2021 as mentioned by the applicant before the Hon'ble CAT.

It is pertinent to mention here that the claim made by the learned counsel of the applicant before the Hon'ble CAT is false as mentioned in the para-3 that the post is still lying vacant due to the order of the DOE dated 03.08.2021 and "the reserve panel/waiting



list is not yet over and can be operated by offering on the basis of merit". In this regard, the attention is drawn to the fact that

- (i) The user department i.e. Directorate of Education had returned 02 dossiers of UR category namely: Sh Lalbahadur Singh, Roll No.2370007262 and Sh Yovraj Surya, Roll No.2370002733 on 19.01.2021 i.e. prior to the issue of the Supplementary Result No. 762 dated 18.03.2021 but, after the validity of the waiting list panel which expired on 31.12.2020. But the 02 posts of UR category were not filled up as the return of dossier was received after the validity of the waiting panel.
- (ii) The Dte of Education had cancelled the candidature of Manoj Kumar, Roll No. 2370001823 (SC category) on 03.08.2021 i.e. after expiry of validity period of the waiting panel on 31.12.2020. Furthermore Manoj Kumar was of the category SC whereas the applicant Shri Ajay Kumar was of the category OBC (Delhi)
- (iii) No dossier of OBC category was returned by the User Department within the validity period of the waiting panel.

The DSSSB vide its advertisement No.04/2017 dated 22/12/2017 had advertised total 88 vacancies (UR-47, OBC-22, SC-13, ST-06(including PH/OH-01 & PH/VH-01)) for the post of PGT (Political Science), Male under Post Code-114/17 in Directorate of Education with closing date as 31.01.2018. Tier-I examination in offline written examination mode was conducted on 05.08.2018.

Whereas Shri Ajay Kumar was allotted Roll No.2370004015 appeared in the examination for the Post Code 114/17, PGT (Pol.Science) and secured a marks of 135.25. The candidate belongs to OBC(Delhi) category.

Whereas the DSSSB had filled up the vacancies in the following manner:-

Name of post/post code PGT (Political Science)Male, Post Code- 114/17	Vacancy Position				PH		Total
	UR	OBC	SC	ST	OH	VH	
Vacancy	47	22	13	06	01	01	88 (inc.P

							H)
Candidates proposed for nomination vide result notice No.417 dated 30.04.2019	45 (inc.02(PH))	18	13	05	01	01	81 (inc.02 PH)
Candidates proposed for nomination vide Supplementary Result Notice No.485 dated 30.07.2019	02	03	00	01	00	00	06
Dossiers returned by the User Department vide letter dated 24.02.2020, 08.06.2020, 18.06.2020	(-)05	00	(-)03	(-)01	00	00	(-)09
Vacancy created due to shifting of candidates from OBC to UR as per merit	00	(-)01	00	00	00	00	(-)01
Candidates proposed for nomination vide Supplementary Result Notice No.670 dated 25.09.2020	04	01	01	01	00	00	07
Vacancies created due to return of dossiers by the User Department vide letters dated 18.09.2020	00	(-)01	00	00	00	00	(-)01
Candidates proposed for nomination against returned dossiers & 01 pending candidates vide Supplementary Result Notice No.762 dated 18.03.2021	01	02	02	00	00	00	05
Total vacancies filled up	47 (inc.02 PH)	22	13	06	01	01	86 (inc.02 PH)
Vacancies created due to return of dossiers by the User Department vide letter dated 19.01.2021 which could not be filled up due to expiry of extended waiting panel and hence, these vacancies are being returned	(-)02	00	00	00	00	00	(-)02
Hence, total filled up vacancies	45	22	13	06	01	01	86 (inc.02 PH)
Hence, total unfilled vacancies	02	Nil	Nil	Nil	Nil	Nil	02



Whereas in total 86 vacancies including 02 PH vacancies out of the total 88 vacancies were filled up by DSSSB and only 02 vacancies of UR category was returned to the Dte of Education i.e. user department as those can not be filled up within the existence of the waiting panel of the post.

Whereas the first result of the Post Code 114/17, PGT (Pol.Science) (Male) was declared vide Result Notice No.417 dated 30.04.2019. The validity of the waiting panel as per the instructions of Services Department, Govt. of NCT of Delhi is for one year after the declaration of the result. However, in this case though the validity of the waiting panel was upto 29.04.2020 the panel's validity was extended upto 31.12.2020 with the approval of Hon'ble L.G of Delhi due to the Covid pandemic which was in existence in the year 2020 and the country was placed under lockdown.

Whereas the DSSSB had issued Supplementary Result Notices on 30.07.2019, 02.08.2019, 25.09.2020 i.e. within the validity of the waiting panel of the post and also issued Result Notice No.762 dated 18.03.2021 for nominating 05 candidates (UR-01, OBC-02 & SC-02) in which last cut off marks of OBC(Delhi) candidate was 135.25. These 05 candidates were nominated because of the return of dossiers by the user department was within the time period of 31.12.2020. The two returned dossier of UR category sent by Dte of Education on 19.01.2021 was not considered for nominating two fresh names as they were returned after 31.12.2020.

Whereas the candidate Shri Ajay Kumar (Roll No.2370004051) and another candidate bearing Roll No.2370001502 having the same mark of 135.25, but the Date of Birth of Roll No.2370001502 was 06.07.1978 and the DOB of Shri Ajay Kumar (Roll No.2370004051) is 11.07.1979. Thus, in age criteria Shri Ajay Kumar is younger than the Roll No.2370001502.

Whereas as per the advertisement of the DSSSB No.04/17, sub-para-7 of para-2 i.e. Mode of Selection it is clearly stated that **"if there are 02 or more candidates in the same category having equal marks in the examination, the candidate older in age will get preference. In case of further tie candidates having higher marks in Section-A of the test shall be preferred"**.

In view of the clarification of the advt.4/17 the candidature of Roll No.2370001502 was considered above the applicant Shri Ajay Kumar and provisionally nominated to Dte of Education for appointment in the post of PGT (Pol.Science).



Whereas the issue of order of appointment for OBC candidates and other category candidates is a prerogative of the user department being final authority, the DSSSB has no role to play in it. However, as and when the user department return the dossiers within the validity of the waiting panel, names from waiting panel of the concerned category were nominated to the user department for providing offer of appointment by the user department.

Whereas the candidate bearing Roll No.2370001076 was provisionally nominated by DSSSB in Result Notice No.485 dated 30.07.2019 and again it was the prerogative of the user department to issue offer of appointment and give extensions to the candidates as per their rules and guidelines. Thus the extension given by Dte of Education to the candidate for nine months does not require intervention by the DSSSB as Dte of Education is the user department and final authority for appointment. However, the candidature of the said candidate was rejected on 03.08.2021 i.e. after the validity of the waiting panel which expired on 31.12.2020. Thus, no further nomination can be done by DSSSB as the recruitment process already stands closed in all respects as it was mentioned in Supplementary Result Notice No.762 dated 18.03.2021. The candidate bearing Roll No.2370009545 was asked to upload OBC(Delhi) certificate in Result Notice No.417 dated 30.04.2019 and the same was rejected on 9.11.2020 after giving him two opportunities as per the policy of the Board. The rejection was issued on 9.11.2020 i.e. prior to expiry of validity of the waiting panel on 31.12.2020.

Whereas it is again reiterated that the DSSSB nominated the candidates provisionally to the user department and it is the prerogative of the user department to issue appointment order and either appoint the candidate or cancel the candidature of the candidate on the grounds as per the Recruitment Rules and other guidelines of the user department. In this case the cancellation of the candidature was made by the user department on 19.01.2021. Thus, no further candidate can be nominated from the waiting panel as the waiting panel had expired on 31.12.2020.

Whereas the candidate Shri Ajay Kumar had approached the Hon'ble CATvide OA No.2089/2021 with the prayer to nominate him as PGT (Pol.Science) under post code-114/17 as he got the same marks of the last cut off marks. Before the Hon'ble CAT he misrepresented the fact that the waiting/reserve panel is valid for one year from the date of declaration of Supplementary Result dated 18.03.2021 but correct fact is that the waiting panel was valid from the date of declaration of first result i.e. 30.04.2019 to 29.04.2020



which was subsequently extended with the approval of Hon'ble LG of Delhi upto 31.12.2020 due to spreading of Covid pandemic.

In compliance of the direction of Hon'ble CAT, the matter was considered in detail and all the records were examined and finally the representation is considered and rejected on the ground that the facts placed by the applicant before the Hon'ble CAT is false about the validity of the waiting panel of this post code and also he is junior to the last nominated candidate of OBC(Delhi) category and against all the 22 posts of OBC category DSSSB had provisionally nominated 22 OBC candidates to Dte of Education within the validity of the waiting panel, i.e. 31.12.2020 and no further return dossier of OBC category is received from Dte of Education within the validity period of the waiting panel.

This issues with the approval of competent authority, i.e. Chairman, DSSSB.


Dy. Secretary (DSSSB)

To,

Ajay Kumar,
S/o Ranbir Singh,
R/o House No.183, Auchandi,
North West,
Delhi 110 039.

F.No.(188)/Result/PGT(Pol.Sci)Male/Int.cell/DSSSB/2018-19/3222-28 Dated: 11/12/21

Copy to:

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2. Dy. Secretary (P&P), DSSSB
3. PS to Chairman, DSSSB
4. Dy Secretary (Legal), DSSSB
5. Sr. System Analyst, DSSSB with the request to upload the speaking order on the website of the Board.
6. ADE (F-II), Dte of Education, Govt. of NCT of Delhi, Old Secretariat, Civil Lines, Delhi-54.
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Dy. Secretary (DSSSB)