



F. No. 4(537)/DSSSB/CC-I/2019/ 19694-701

Dated:20.12.2021

ORDER

Compliance of order dated 12.11.2021 of the Ld. Central Administrative Tribunal as passed in OA No.2424/2021 titled as 'Smt. Sudesh Devi V/s DSSSB & Others, GNCT of Delhi'.

1. The Ld. CAT in OA No. 2242/2021, titled as Smt. Sudesh Devi VS. DSSSB & Others, GNCT of Delhi, vide its order dated 12.11.2021 has ordered as under:-

"3..... Learned counsel for the applicant states that the applicant approached the DSSSB office many times but of no avail. She was assured that in case of deficiency, if any, she would be given opportunity to remove the same. It is submitted that other candidates were given two more opportunities to upload their documents, but the applicant was not asked to do so, and her candidature was rejected vide order dated 04.08.2021 stating that she has not fulfilled the eligibility criteria as per the Recruitment Rules. The applicant made a representation dated 12.07.2021 to the DSSSB and DTTE narrating her grievance.

4..... We heard Mr. R.K. Mirg, learned counsel for applicant at the admission stage. Mr. Amit Anand, learned counsel who appeared on advance service, accepted notice on behalf of all the respondents.

5..... In our considered view, this OA can be disposed of at the admission stage itself by directing the applicant to produce copy of this OA before the competent authority within a period of fifteen days from the date of receipt of copy of this order. The respondents shall, in turn, treat the OA as a comprehensive representation of the applicant, and shall dispose it of by passing a reasoned and speaking order with opportunity to the applicant of being heard, within a period two months thereafter. There shall be no order as to costs".

2. A copy of above court order has been received through R.K.Mirg Advocate of Smt. Sudesh Devi (Roll No.3900000114) vide letter dated 27.11.2021.

3. The brief facts of the case are as under:-

The DSSSB vide its **advertisement No. 01/14** had advertised **15 vacancies (UR-07, OBC-04, SC-02, ST-02 including PH-OH-01, EXSM-01)** for the Post of **Craft Instructor Fashion Technology under Post Code 125/14 in Directorate of Training & Technical Education**. The details of the qualifications were as under:-

Sl. No.	Educational and Other Qualifications as per RR :- Essential:	
1	(A) For ENGG. TRADES:- (a) (i) 10th pass with Science and Maths under 10+2 system from recognized school/board or its equivalent. (ii) National Trade Certificate or National Apprenticeship Certificate or equivalent in the concerned trade from recognised institutions. (iii) 03 years practical experience in the field of concerned trade. OR (b) (i) 10th pass with Science and Maths under 10+2 system from recognized school/board or its equivalent. (ii) Diploma in concerned branch of Engg/Technology from a recognized University/Institute. (iii) 01 year practical experience in the field of concerned trade. (B) FOR NON ENGG. TRADE (a) (i) 10th pass under 10+2 system from recognized school/board or its equivalent. (ii) National Trade Certificate or National Apprenticeship Certificate or equivalent in the trade concerned (Fashion Technology) from recognized Institutions. (iii) 03 years practical experience in the field of concerned trade.	
2	Advt. No.: 01/14	Cut-off-date : 27.02.2014
3	Age Limit: - 27 years Relaxation as orders/ instructions issued by the Central Government SC/ST-05 Years, OBC-03 Years.	

4. The written examination for the above Post Code was conducted on 29.09.2019 and marks obtained by the candidates were uploaded on the portal of DSSSB vide notice dated 18.12.2019. Thereafter, the candidates, who were in the zone of consideration, were called for uploading of e-dossier on the OARS portal.

5. It is further, noted that neither User Department could provide any clarity nor was it mentioned in the RRs provided by the User department whether the instant post code was covered under engineering trade or non engineering trade and also whether the practical experience was required for one year or three years. In the absence of the said clarity/specification, as per the understanding of the Board, all those candidates who were having 01 year practical experience in the concerned trade were considered eligible for selection as per merit.

6. Accordingly, on the basis of marks obtained in written examination and as per scrutiny of documents/dossiers furnished by the candidates, the result was declared vide result notices no. 1104 dated 09.07.2020 and supplementary result notice no. 1315 dated 07.07.2021. **However, the above facts were**

mentioned in the result notices itself with clear instruction to the User Department to look into the eligibility criteria before giving final appointment. The relevant portion of result notices are as under:-

***Note- That as per RRs one of the essential qualification is "3 years or 01 year (as applicable) practical experience in the field of concerned trade" Further, the same is a subjective and technical matter and user department has not provided any specification in this regard. DSSSB has not undertaken the veracity/scrutiny of experience certificate furnished by the candidates. As such user department i.e. DTTE is requested to ascertain the scrutiny/ correctness of the same at their own level before issuing the offer of appointment to the proposed candidate. The selection is provisional and subject to the satisfaction of user department regarding experience certificate furnished by above candidates.**

7. The applicant candidate Smt. Sudesh Devi, Roll No. 3900000114 was provisionally selected by DSSSB vide Result Notices No. 1104 dated 09.07.2020 and her dossiers were also sent to the User Department for appointment.

8. The User Department (DTTE) however, has returned her dossier vide letter no. 697 dated 03.08.2021 after rejecting her candidature with the following remarks.

"Her total considerable experience is less than 03 year on the last of advertisement i.e. 27.02.2014, which is essentially required for non-engg. Trade".

9. The recruitment process for the post of Craft Instructor Fashion Technology under Post Code 125/14 in Directorate of Training & Technical Education (DTTE) has already been closed on 08.07.2021. Total unfilled vacancies 03 EXSM {UR- 01 and ST- 02} have been returned to user department i.e. Directorate of Training & Technical Education (DTTE), as no suitable candidates were available in their respective categories.

10. It may be seen from the above that the candidature of Smt. Sudesh Devi applicant/candidate has been rejected by the User Department (DTTE) on the ground that she is not having essential qualification. DSSSB has no role to play now as the user department is the appropriate authority to define and decide the essential qualification as per RRs, being Appointing Authority. Board makes selection of the candidates on merit only on the terms and conditions of RRs provided by the User Department.

11. In view of the above facts, the claim for selection to the post of Craft Instructor Fashion Technology under Post Code 125/14 in Directorate of Training & Technical Education in respect of the petitioner Smt. Sudesh Devi



applicant/candidate has been examined and it is found that no action can be taken by DSSSB in view of the facts mentioned above, hence the same is filed.

These issues with approval of the Chairman, DSSSB.


Dy. Secretary, DSSSB

To,

1. Smt. Sudesh Devi W/o Shekhar Kumar,
R/o Dogra Gate, Shikhon Wali Gali,
Near Singla Atta Chakki, Kaithal- 136027.

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Dated: 20.12.2021

Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. The Director of Technical Education & Training, GNCT of Delhi, Muni Maya Ram Marg, Delhi-110034, with reference to direction dated 12.11.2021 of CAT in OA No. 2424/2021 being respondent No.4 in the said OA.
3. Sr. PA to Member, DSSSB.
4. Sr. PA to the COE, DSSSB.
5. Dy. Secretary (Legal), DSSSB.
- ✓ 6. Programmer, IT Branch, with the request to upload the same on the website of DSSSB.
7. Officer Order file.


Dy. Secretary, DSSSB