GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-92

No.F.4 (387)/CC-I/DSSSB/2013/4258-65 Dated: 19/8/19

SUPPLEMENTARY RESULT NOTICE:-792
SPECIAL EDUCATION TEACHER UNDER POST CODE-01/13
DIRECTORATE OF EDUCATION, GNCTD.

1 It is stated that vide order dated 21.02.2017 by Ld. CAT in O.A. No. 1383/2013, titled as Preeti Sharma & Anr. V/s Govt. of NCT of Delhi & Anr., the Ld. CAT has ordered, inter alia, as under:-

"4.....The Applicant No.1 though cleared the CTET Exam, as on the cutoff date, but inadvertently did not bubble the relevant circle in the OMR Application Form showing that she was CTET qualified. The applicant No. 8 did not bubble the Column No. 5, i.e., Category/Community for age relaxation.

5. The applicants 1 and 8 were permitted to participate in the selection process, provisionally, by virtue of the interim orders dated 26.04.2013 in the OA.

6. The learned counsel for the applicants submits that the applicants are young people and due to oversight, they have not bubbled certain Columns in the OMR Application Form, though they were in fact fulfilling the requirements under the said Columns, and hence, their mistakes may be condoned and their candidature may be considered for selection along with others.

7. Per contra, the learned counsel for the respondents submits that as per the Advertisement itself, the OMR Applications which were not filled or completed properly are liable to be rejected. Hence, there is no illegality in their action.

8. Both counsel, placed reliance on various decisions in support of their respective submissions.

9. It is well settled that applications or candidatures or selections normally shall not be rejected by the authorities, basing on the minor mistakes committed by the youngsters in filling up the application forms or in the competitive examinations, if otherwise, they establish their identity and that they are qualified and eligible for consideration of their cases by furnishing the documents in proof of the same.

10. Since the applicants are claiming that they have fulfilled the required qualifications as on the cutoff date though not filled the relevant Columns in the OMR Application Form, and since by virtue of the interim order of this Tribunal, they were permitted to participate in the selection process along with others, and in view of the aforesaid decisions of various Courts/Tribunal, condoning the identical mistakes of the young persons, we deem it fit to dispose of the OA, as under:

> ***The respondents shall consider the candidatures of the Applicants No.1 and 8 by declaring their results and if they found that the applicants are qualified and otherwise eligible, they shall process their candidature further for appointment in the respective posts, in accordance with law. However, in case of appointment of the applicants, the same shall be with prospective effect for all purposes. This exercise shall be completed within three months from the date of receipt of a copy of this order.***

Pending MAs, if any, stand disposed of. No costs".

2. Further, the Board preferred an appeal in Hon'ble High Court vide W.P (C) No. 5777/2018& C.M No. 22523/2018 titled as Govt. of NCT of Delhi & Anr. V/s Preeti Sharma & Anr. The Appeal was dismissed by the Hon'ble High Court vide its order dated 08.03.2019, the operative part of which is re-produced here as under:-

> ***"The petitioner had issued an advertisement for filling-up post of Special Education Teacher. The respondent No. 1 had made her application in the prescribed OMR form. The eligibility condition prescribed inter alia was that the candidates should have cleared the CTET qualification before the cut-off date. Though, the respondent No.1 had acquired the said qualification before the cut-off date, while filling-up the OMR form, on account of human error, she did not colour the bubble on the form and consequently, she was declared ineligible. She then approached the Tribunal to contend that her candidature has wrongly been rejected, as she had acquired the qualification before the cut-off date. Consequently, the Tribunal had allowed the OA qua respondent No.1.***
>
> ***It has been pointed out that there are large number of vacancies of Special Education Teacher and despite repeated efforts these are not being filled. There is dearth of Special Education Teachers in the schools in Delhi. Since the respondent No.1 was otherwise qualified and eligible, without going into the legal issues raised by the petitioner in the present writ petition, we dismiss the same, since we are not inclined to exercise our discretionary jurisdiction under Article 226 of the Constitution of India in the special facts of the case."***

3. **It is stated that candidature of Preeti Sharma Roll Number 00110725 was rejected as she did not bubble the relevant circle in the OMR Application Form showing that she was CTET qualified.**

4. **It is noted that Hon'ble High Court has dismissed the appeal of the Board citing the dearth of Special Education Teacher in schools of Delhi as main reason and not on merit. Careful reading of the operative part of the said order of Hon'ble High Court clearly suggests that this is an extra ordinary situation where there are large number of vacancies of Special Education Teacher and despite repeated efforts these are not being filled due to non- availability of suitable candidates. Hon'ble High Court has further observed that there is dearth of Special Education Teacher in the schools of Delhi.**

5. Thus, in compliance of Ld. CAT order dated 21.02.2017, titled as Preeti Sharma & Anr. V/s Govt. of NCT of Delhi & Anr., whereby the Ld. CAT directed the DSSSB to consider the candidature of the applicant by declaring her result and the subsequent appeal of the Board having been dismissed by the Hon'ble High Court vide its order dated 08.03.2019 in W.P (C) No. 5777/2018 & C.M No. 22523/2018 titled Govt. of NCT of Delhi & Anr. Vs. Preeti Sharma & Anr. and consequently, based upon the marks obtained in written examination held on 28.04.2013 and otherwise eligibility regarding educational qualifications, age etc. as per Advertisement No. 01/13 and RRs for the post of Special Education Teacher, Directorate of Education, GNCTD under Post code 01/13, the following candidate is hereby provisionally selected subject to fulfillment of eligibility criteria as per RRs to the post of Special Education Teacher, Directorate of Education, GNCTD under Post code 01/13:-

UR CATEGORY-TOTAL-01

SL. NO.	ROLL NO.
1	00110725

6. The provisional selection of the above one (01) candidate (UR- 01) is in compliance of Hon'ble High Court order dated 8.3.2019 and as an special case and it shall not be treated as precedent.

7. The provisional selection of the above **One (01) candidate (UR-01)** shall be further subject to thorough verification of the candidature of the candidates by the User Department. 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.

8. 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.

9. **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.**

10. The following candidate is declared as **"Rejected"** for the post of Special Education Teacher under Post Code 01/13 due to reasons which is shown against her name in the remarks column:

Sl. No.	Roll No.	Name	DOB	Remarks
1	00110759	Saroj Kumari	30.11.1985	The applicant was directed to submit the requisite documents related to essentials qualification etc., vide letter number 739 dated 10.01.2019 and reminders dated 30.01.2019, 20.02.2019, 15.03.2019, 01.05.2019 and telephonic contact /Messages dated 01.05.2019. Despite that she failed to submit the requisite documents. Hence, **her candidature is rejected.**

11. 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.

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. **While every care has been taken in preparing the results, the DSSSB reserves the right to rectify errors and omissions, if any.**

This issues with the prior approval of the Competent Authority of DSSSB.

Deputy Secretary, DSSSB