



GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092
Website: www.dsssb.delhigovt.nic.in

No.:- F.No. (9264)/LC/DSSSB/24/1886-88

Dated: 18/10/24

ORDER

This order is being passed in compliance with the directions of Hon'ble High Court of Delhi vide Order dated 09.09.2024 in W.P.(C) No. 12630/2024 .

Brief facts of the case :-

1. As per requisition received from the Health & Family Welfare Department, GNCTD, the DSSSB vide its Advertisement No. 04/09 had advertised posts of Staff Nurse in the H&FW Department under Post code 77/09 alongwith its last date of submission of application form as 15.01.2010. The Combined Part-II (Written -Main) examination was held on 30.05.2010.
2. Sh. Om Prakash Bairwa had also applied for the said Post and his details are as under:-

Post Code & Name of Post	Name of applicant & D.o.B.	Roll No. & Category applied	Marks obtained (out of 200)
77/09 Staff Nurse in H&FW Deptt.	Om Prakash Bairwa 04.12.1985	00413080 SC	71

3. Sh. Om Prakash Bairwa was found not eligible for the benefit of reservation in the SC Category being SC outsider as per the Judgment dated 04.08.2009 of Hon'ble Supreme Court of India passed in Civil Appeal No. 5092/2009 (arising out of SLP(C) No. 24327 of 2005) in the matter of Subhash Chandra & Anr. Vs. Delhi Subordinate Services Selection Board with WP(C) No. 507/2006 in Sarv Rural and Urban Welfare Society Vs Union of India & Ors. Thus the candidature of Sh. Om Prakash Birwa was not considered for the post.
4. Sh. Om Prakash Bairwa filed O.A. No. 666/2016 in Hon'ble Tribunal challenging the decision of DSSSB for not considering his candidature for the Post of Staff Nurse in post code 77/09. Hon'ble CAT vide Order dated 27.04.2024 in OA No. 666/2016 directed as under: -

(Contd. p/2-

"13. In view of what has been elaborately outlined above, we have no hesitation in allowing the present OA by holding that the applicant is entitled for reservation as an SC candidate for the post of Staff Nurse to which he has been duly selected pursuant to his participation in selection process of Post code 77/09

14. Accordingly, the competent authority amongst the respondents shall, forthwith, issue an appointment letter to him, of course, subject to his meeting all other eligibility criteria and subject to fulfillment of statutory requirements set forth in the recruitment rules. In the event of the applicant being given this appointment, he shall be entitled to all the consequential benefits, albeit on notional basis, at par with the last candidate appointed in accordance with his place in the merit of the said selection examination in his respective category pursuant to the advertisement number 004/2009.

15. We make it clear that the benefits shall be strictly on notional basis; the actual benefits shall be awarded only from the date of his assuming the charge of the post.

16. The Competent Authority shall pass appropriate orders to give effect to these directions including the extension of consequential benefits within a period of twelve weeks from the date of receipt of a certified copy of this order.

17. The OA stands allowed against the background of these directions.

There shall be no orders as to costs."

5. The above Order dated 27.04.2024 of Hon'ble CAT in OA No. 666/2016 was challenged by DSSSB in Hon'ble Delhi High Court by filing Write Petition vide W.P.(C) No. 12630/2024. Hon'ble Delhi High Court vide Order dated 09.09.2024 disposed of the petition with following directions: -

"3. The same and the similar issue has already been decided by this Court on 04.09.2024 in the W.P.(C) 12303/2024 titled Delhi Subordinate Service Selection Board And Anr vs Vishnu Kumar Badetiya.

4. It is not in dispute that the present case is fully covered by the said judgment, however, learned counsel appearing on behalf of petitioners submits that the candidature of the respondent shall be considered, if he comes within the merit.

5. Learned counsel for petitioners is not aware whether the respondent herein comes in merit or not, or if he is otherwise eligible.

6. In view of the above, the petition is disposed of."

(Contd. p/3-

In this regard it is submitted that against total 1862 vacancies, 279 vacancies were reserved for SC candidates. Sh. Om Prakash Bairwa secured 71 marks out of 200 and there are still 327 candidates above Sh. Om Prakash Bairwa in marks list/merit list of SC Category who have not been selected being SC (outsider). So he does not come in the merit as his rank is 328th among non-selected SC (outsider) candidates whereas total vacancies in SC category are just 279. The marks of last selected candidate in SC category vide Result Notice No. 14 dated 27.01.2011 was 71 due to lowering of merit list in view of non-selection of SC (outsider) candidates.

In view of above mentioned facts, the candidature of Sh. Om Prakash Bairwa (Roll No. 00413080) cannot be considered for the Post of Staff Nurse under Post Code 77/2009 as he does not come in merit and there are still 327 candidates above him in marks list/Merit List of SC Category who have not been selected being SC (outsider).

This issues with the approval of Competent Authority and in compliance with the directions of Hon'ble High Court of Delhi vide Order dated 09.09.2024 in W.P.(C) No. 12630/2024.

Let this order be served upon Sh. Om Prakash Bairwa (Roll No. 00413080), a candidate for the post of Staff Nurse under Post Code 77/2009.


o/ ✓
DY. SECRETARY (CC-II)

Sh. Om Prakash Bairwa,
S/o Sh.Gopi Lal Bairwa,
R/o Vill. & Post: Mehandwash,
The. Tonk, Distt. Tonk, Rajasthan

No. F. No. (9264)/LC/DSSSB/24/ 1886-88

Dated: 18/10/24

Copy to:-

1. System Analyst with the request to upload the order on the website of the Board.
2. Notice Board.
3. Result file of concerned post code.


o/ ✓
DY. SECRETARY (CC-II)