

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

F.4 (40)/DSSSB/CC-IV/2021/2187-2191

Dated: 10.11.2022

ORDER

This Order has been made in compliance of directions issued by Hon'ble CAT, Delhi on 06.10.2022 in OA No 2891/2022 titled Sushila vs Govt. of NCT of Delhi & Ors to dispose of the representation dated 19.01.2022 filed by Smt. Sushila D/o Sh. Attar Singh, R/o VPO Gochhi, Jhajjar, Haryana.

Brief facts of the case are that the said Smt. Sushila in reference to DSSSB Advertisement No 02/21 dated 12.5.2021, applied for the post of TGT (Hindi) - Female, Post code 33/21, the written online exam of which was conducted by DSSSB on 05.09.2021. As per online application submitted by her for the said post, she filled the Category as UR. The Notice declaring the marks was issued on 4.1.2022 and the shortlisted candidates were asked to upload documents in e-dossier. The result was declared vide Notice dated 16.8.2022.

A representation dated 19.01.2022 has been made by her to the Chairman, DSSSB for change of category from UR to OBC as she belongs to OBC Category and by mistake the person who filled her application form has wrongly entered her category as UR. She filed an application in Hon'ble CAT, Delhi, for issue of directions to DSSSB to change her category from UR to OBC. The Hon'ble CAT, Delhi, in O. A. No. 2891/2022, titled as Sushila vs. Govt. of NCT of Delhi & Ors vide order dated 06/10/2022 has directed as under:

"4. We find that the respondents have not taken any decision on the representation dated 19.01.2022 preferred by the applicant. We also notice that there is no certificate on record to establish the fact that the applicant belongs to OBC category. However, since the matter is already before the respondents, in the form of the representation of the applicant, in our view little purpose would be served in keeping this OA pending. We are of the considered view that the present OA can be disposed of to the admission stage itself with a direction to the

Competent Authority amongst the respondents to decide the aforesaid pending representation dated 19.01.2022 of the applicant.

5. Accordingly we dispose of the present OA with a direction to the Competent Authority amongst the respondents to decide the aforesaid pending representation dated 19.01.2022 of the applicant within a period of six weeks from the date of receipt of a copy of this order. The applicant is accorded liberty of one week from today to prefer a supplementary representation in case she so wishes. The said supplementary representation would form a part of the representation dated 19.01.2022 which already stands submitted by the applicant to competent authority amongst the respondents.

6. The OA stands disposed of in light of the aforesaid directions. We make it emphatically clear that we have neither examined nor commented upon the merit of the claim of the applicant. No costs."

The petitioner Ms Sushila has submitted an undated letter in DSSSB, enclosing therewith downloaded copy of Hon'ble CAT Order dated 6.10.2022 in OA No 2891/2022 and copy of her earlier representation of 19.1.2022 which has been Dy. No 6064 dated 20.10.2022. In her present letter she has drawn attention to application dated 19.1.2022 and other modes of informing the DSSSB after 19.1.2022 at various occasions that she belongs to OBC category.

The present application and earlier representation dated 19.1.2022 have been examined in the light of the online application form filled by the candidate and the provisions related to filling up of Category and other details in the application form as contained in the vacancy Advertisement No 02/2021 dated 12.5.2021 issued by DSSSB.

The representation dated 19.1.2022 for change of category from UR to OBC cannot be considered as the candidate failed to fill up the relevant category applicable to her in the online application form. She got the form filled up by someone else as stated by her in the representation. As per declarations in her online application form she has declared that:

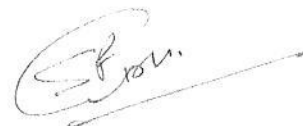
A handwritten signature in black ink, appearing to be 'S. P. M.', with a horizontal line extending to the right.

- a. I hereby certify that all statement made in this application are true, complete and correct to the best of my knowledge and belief and have been filled by me.
- b. I also declare that I have submitted only one application for one post code in response to the advertisement.
- c. I have read all the provisions mentioned in the advertisement/notice of examination carefully as published on the website of DSSSB and I hereby under take to abide by them.
- d. I understand that in the event of information being found false or incorrect at any stage prescribed in the notice or any ineligibility being detected before or after the examination, my candidature/selection/appointment is liable to be cancelled/terminated automatically without any notice to me and action can be taken against me by the DSSSB.
- e. The information submitted herein shall be treated as final in respect of my candidature for the post applied for through this application form.
- f. I also declare that I have informed my head of office/Department in writing that I am applying for this post/examination (for Government Employees only).

As per above declarations she filled the form herself and that she has read the provisions contained in the advertisement carefully and also that the information submitted by her shall be treated as final in respect of her candidature for the post applied through this application form. Therefore, any correspondence at a later stage after filling up the application form for any change in Category does not merit any consideration.

It is clearly written in para 6(ii) of the vacancy advertisement under the heading **Reservation Benefits** that

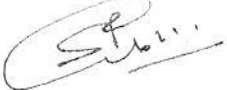
"Candidates who wish to be considered against reserved vacancies and /or to seek age relaxation, must be in possession of relevant certificates (EWS/SC/ST/OBC/Non Creamy layer/PwD/Educational/Experience etc.) issued by the competent/notified authority (in prescribed format) on or before the cutoff date (closing date of advertisement) otherwise their claim for any category will not be entertained and their applications 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 any later stage.**"



By her own declaration in the online application form, submitted by her for the post, she has read all the provisions mentioned in the advertisement/notice of examination carefully as published on the website of DSSSB and under take to abide by them. Therefore, the representation dated 19.01.2022 for change of category is devoid of merits and cannot be considered. The judgments passed by various Courts in similarly placed matter also have held that the petitioner faces the consequences of the lapse of not submitting the correct information at the time of filling the appropriate form. Some of the relevant judgments are of The Hon'ble Supreme Court, vide judgement dtd. 29/08/2019, in Civil Appeal No. 6696/2019 titled as Rajasthan High Court, Jodhpur & Ors. Vs Neeru Harsh & Ors and that by Hon'ble High Court of Delhi in WPC No.-11940/2019 titled as Amardeep Vs GNCTD & Ors., WPC No.12332/2018, Neeti Nayyar Vs GNCTD & Ors and WPC No.-12563/2018, Pooja Sehrawat Vs GNCTD & Ors.

It is accordingly ordered to file the representation as the same is devoid of merits.

This issues with prior approval of the Competent Authority.


Dy. Secretary
(Link officer)

To,

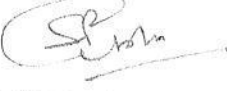
**Smt. Sushila (Roll No. 112803300736), D/o Sh. Attar Singh,
R/o RZ-52, Gangotri Enclave, Gopal Nagar,
Najafgarh, New Delhi-110043.**

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Dated: 10.11.2022

Copy for information and further necessary action to:

1. Sr. PA to the COE, DSSSB.
2. Dy. Secretary (Legal), DSSSB.
3. Senior system Analyst, IT Branch, with the request to upload the same on the website of DSSSB.
4. Officer Order file.


Dy. Secretary
(Link officer)