

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

No.133/Result/PGT(Commerce)/IC/DSSSB/2018-2019/141

Dated: 07/02/2024

ORDER

This order shall dispose of the request and claim of Ms Nidhi for nomination as PGT (Commerce) female in post Code-105/17 in compliance of the direction of Ld. CAT order dated 02/01/2024 in OA No. 3425/2019 in the matter of Nidhi vs GNCTD.

The Ld. CAT has directed vide OA No. 3425/2019 dated 02/01/2024 that **"the OA is disposed of with a direction to pass a reasoned order as per the rule position in the light of the specific averment made by them in the counter affidavit that in case a vacancy accrues in future, the applicant shall be adjusted and nominated by the Board accordingly in her category"**.

The DSSSB vide Advertisement No. 04/17 had advertised 15 vacancies (UR-05, OBC-04, SC-03, ST-03).

Ms. Nidhi (DOB: 05.09.1996) a candidate/applicant for the post of PGT (Commerce) Post Code-105/2017 (Roll No. 121810500164) and got 181.75 marks and nominated vide Result Notice NO. 343 dated 24.01.2019 under OBC category as per her merit.

Later on, it came to the notice that one candidate Ms. Purna Kataria, OBC category candidate (Roll No. 110510500058), Scored-204.00 marks was shortlisted in General/UR Category as per own merit candidate. Even though, she was lower in merit under UR category as the cut off marks under UR category was 210.75 marks. Accordingly, her candidature could not be considered under UR category. Whereas, her candidature was required to be considered under her own category i.e. OBC category as per her merit, being left out, but her candidature could not be considered in OBC category inadvertently.

Considering the representation of Ms. Purna Kataria who scored 204.00 marks, she was provisionally nominated under OBC category vide Supplementary Result Notice NO. 466 dated 21.06.2019 followed by corrigendum dated 14.11.2019 as per her merit. Resulting, the candidature of Ms. Nidhi (marks-181.75) under OBC category was withdrawn at para-5 of Supplementary result no. 466 dated 21.06.2019 being lower in merit.

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As far as the declaration made by DSSSB in Counter Reply Affidavit regarding "*in case a vacancy accrues in future the applicant shall be nominated by board accordingly*" and direction of Court to pass a reason order as per rule position and the averment made, the request of Ms. Nidhi is analysed here under.

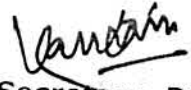
DSSSB, in accordance with the Circular No.F.16(3)/DSSSB/2007/S-III dated 13/06/2019 of Services Department, GNCTD, has been maintaining the Waiting/Reserve Panel for dealing the exigent cases. Such panel is valid for a period of 1 (one) year from the date of declaration of main result for filling up of the vacancies arising due to candidates not meeting the eligibility/RR criteria, being not found fit based on medical report or police verification report, or not accepting appointment officer, or not joining the post and the resignation/death cases, etc in terms of GNCTD/GOI instructions on the subject. Further, as per latest Circular No. No.F.16(3)/DSSSB/2007/S-III/1756-1763 dated 02/08/2021 of Services Department (Branch-III), GNCTD, the validity of Waiting/Reserve Panel is same i.e. one (01) year.

The waiting panel for the post code-105/17 was valid for a period of one year from the date of declaration of main result no. 343 dated 24.01.2019 i.e. upto 23.01.2020. Moreover, as per record there is no vacancy in OBC category which has occurred upto the period of waiting panel i.e. 23.01.2020.

Whereas Ms. Nidhi has informed the tribunal that a candidate namely Ms. Sangeeta, UR category has not joined the User Department but there is no vacancy in the category of OBC. As per rule no OBC candidate can be adjusted against UR category unless secured more than cut-off marks of UR category and not availed any reservation benefits. Hence, neither Ms. Nidhi nor any similar candidate of OBC category can be adjusted in any other category.

Therefore in compliance of above stated Ld. CAT order, the matter of Ms. Nidhi, applicant is considered in the light of rule position and the averment made in the counter affidavit in detail and being devoid of merit, not tenable, hence the request made by Ms. Nidhi is rejected.

This issues with the approval of Chairman, DSSSB.

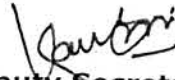

Deputy Secretary, DSSSB

To,
Ms. Nidhi D/O Sh. Manbir Singh
(Roll No. Roll No. 121810500164)
R/O D-62 Street No, Bhajanpura,
Delhi-110053

No.F.133/Result/PGT(Commerce)/IC/DSSSB/2018-19/141 Dated: 07/02/2024

Copy for information to :-

1. Dy Registrar, CAT (PB), 61/35, Copernicus Marg, New Delhi -11001
(through legal branch, DSSSB)
2. PS to Chairman, DSSSB
3. Dy. Secretary, Legal Branch DSSSB with the request to apprise to
government counsel.
4. ✓ Sr. System Analyst, DSSSB with the request to upload the speaking
order on the website of the Board.
5. Court case file
6. Guard File.


Deputy Secretary, DSSSB
