



GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092

F.3 (66)/CC-III/Court Case/PGT Sanskrit/2012-13/

Dated:

ORDER

Compliance of order/direction of the Hon'ble Central Administrative Tribunal as passed in OA 3842/ 2012, titled as Ms Suman Rani V/s GNCTD & ors.

The Hon'ble CAT in OA 3842/2012, titled as Ms Suman Rani V/s GNCTD & ors. vide its order dated 21.11.12 has directed as under:-

"In view of the above position, We dispose of this OA at the admission stage itself with the direction to the DSSSB to examine the case of applicant in light of the aforesaid judgment (Judgment of Hon'ble High Court of Delhi in Deepak Kumar & ors vs. District & Session Judge Delhi & ors. WPC No.5390/2010 and connected petitions decided on 12.9.2012). If her case is covered by the aforesaid judgment, her case shall also be recommended for appointment in thereafter the user Department, i.e. Govt. of NCT of Delhi shall give appointment to the applicant as PGT (Sanskrit), subject to her fulfillment of other required conditions. The aforesaid direction shall be complied with by the DSSSB within a period of one month from the date of receipt of copy of this order and if her name is recommended for appointment, the Delhi Govt., Deptt. of Education, shall also consider appointing her within next one month thereafter. We shall also make it clear that if the applicant succeeds, she shall be given all consequential benefits, as her batch mates have been given, except the back wages."

In compliance of above order, the case of applicant i.e. Ms. Suman Rani, Roll No. 03411930 has been re examined and it is informed that:-

1. The applicant Ms Suman Rani had applied for the post of PGT (Sanskrit) under post code No.34/10. The DSSSB had conducted the examination for this post on 10.12.2011 and the result was declared on 29.8.2012.
2. The applicant Ms Suman Rani was short listed in part – I examination in SC category on the basis of her claim in the application form. This is due to the fact that the Board does not conduct pre-examination scrutiny at the time of declaration of the result of Part-I.
3. The candidate obtained 75/200 marks as per final merit list and her case was carefully examined before declaration of the result. The documents furnished by the candidate were scrutinized and it was observed that the applicant was a SC Migrant i.e. her SC certificate was based on her father's caste certificate of Uttar Pradesh.

Accordingly, she was not found eligible for appointment under SC category for the jobs under Govt. of Delhi.

4. As per the then existing policy of the Govt. of Delhi, the benefit of SC category was not admissible to SC outsider/ SC Migrants candidates instead they were considered under UR category only.

5. In the light of the judgment of the Hon'ble Supreme Court of India dated 04-08-02009 as passed in Civil Appeal No. 5092 of 2009 arising out of petition (s) for Special leave to Appeal (Civil) No.. (s) 24327/05- Subhash Chandra & Anr. V/s DSSSB & Ors., she being a SC migrant (UR) not found eligible for selection under the SC category. The reservation policy was confirmed by Delhi High Court also in the case titled as DSSSB & Anr. Vs. Mukesh Kumar & Others in WP(C) No. 610/2011 & connected cases.

6. Later, the Hon'ble High Court of Delhi has reconsidered its own decision in the matter titled Deepak Kumar & ors vs. District & Session Judge Delhi & ors. WPC No.5390/2010 and connected petitions decided on 12.9.2012. However, the result for the post of PGT (Sanskrit) post code 34/10 (Female) was declared before 12-9-2012., therefore, the law as applicable on that date has to be followed. Accordingly, the result in this case does not require any change.

In view of the above facts, it is informed that the applicant Ms. Suman Rani cannot be considered for selection to the post of PGT (Sanskrit) under post Code 34/10 under SC category the result of which was declared before the decision of the Hon'ble High court of Delhi in the case referred above.

This issues with prior approval of the competent authority.

(ASHISH KUMAR)
Deputy Secretary CC -III

Mrs. Suman Rani w/o Dr. Girendra Singh,
House No.A-12/9, Shyam Vihar, Phase II
Deen Pur Village, Najaf Garh,
New Delhi - 43

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Dated:

Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PS to the Member, DSSSB.
3. Dy. Secretary (Legal), DSSSB.
4. Programmer, IT Branch, with request to upload the same on the website of DSSSB.
5. Notice Board.
6. Office order file.

Deputy Secretary CC -III