



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA No. 394/2020

New Delhi, this the 11th day of February, 2020

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

1. Raj Kumar Kumawat, Age-32
Nursing Officer, Group-C
S/o Keshar Mak Kumawat
At : Vill/Town Ward No. 1, Laxmipura
Karad, Dantaramgarh, Sikar
Rajastahn-332001.
2. Mahesh Kumar Yadav, Age-29
Nursing Officer, Group-C
S/o Bhairu Lal Yadav
At: 181, Shyam Vihar Vistar
Girdharipur, Ajmer Road, Jaipur
Rajasthan-303706.
3. Ajay Singh, Age-29
Nursing Officer, Group-C
S/o Dhinkal Ram Thory
At: Vill-Sewanagar Khirod
Nawalgarh, Jhunjhunu
Rajasthan-333001.
4. Shree Pal Kachchhawa, Age – 23
Nursing Officer, Group-C
S/o Guta Ram
At: Ward No. 7, VPO- Kadal, Mundwa, Nagaur
Rajasthan-341001.
5. Shiv Kumar, Age-24
Nursing Officer, Group-C
S/o Munnalal
At: Vill- Sauhans, Dhanaura



Dhaulpur, Rajasthan-328001.

Heera Lal Yadav, Age-28
Nursing Officer, Group-C
S/o Ram Lal Yadav
At: Vill-Basedi, PO-Begas
Dist-Jaipur, Rajasthan-303007.

...Applicants

(By Advocate : Ms. Gunjan Singh with Sh. Imsori Amri)

Versus

1. Government of NCT of Delhi
Through its Chief Secretary
New Secretariat, IP Estate, New Delhi.
2. Delhi Subordinate Services Selection Board
Through Controller of Exam
FC-18, Institutional Area, Karkardooma
Delhi-110092. ...Respondents

(By Advocate : Shri H A Khan)

ORDER (O R A L)

Hon'ble Mr. Pradeep Kumar, Member (A):

Ms. Gunjan Singh with Sh. Imsori Amri, learned counsel appeared for applicants and Shri H A Khan, learned counsel appeared for respondents on advance information.

2.0. The applicants herein belong to OBC category and is a resident of Rajasthan. They applied against recruitment Advertisement No. 02/18 published on 5.7.18. The closing date of application was 13.08.2018.



3.0. The applicants have been treated as UR candidates in terms of the Clause (5) for Reservation Benefit which was notified in this Advertisement. These clauses read as under :-

“5. Reservation Benefits:

“(i) Reservation benefits will be available to the SC/ST/OBC/Physically Handicapped & other special category candidates in accordance with the instructions /orders/circulars issued from time to time by the Govt. of Delhi. The reservation benefits under SC/STs shall be admissible as per judgment dated **12/09/2012 of Hon’ble High Court of Delhi as passed in WP (C) No. 5390/2010, CM No. 20815/2010 – Deepak Kumar and Ors Vs. District and Sessions Judge Delhi and Ors.** However, this shall be further subject to policy decision of Govt. of Delhi.

(ii) Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, **must be in possession of relevant certificates (SC/ST/OBC/Non Creamy layer/PH/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.

(iii) Only OBC (Delhi) candidates will be given the benefit of reservation/age relaxation under OBC category. **OBC (Outside) candidates will be treated as Unreserved candidate and they must apply under UR category.** The OBC candidates must be in possession of non-Creamy layer certificate, along with his/her caste certificate.

(iv) **Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBCs:-**

(A) OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of a old certificate issued to any member of individual’s family from GNCT of Delhi.



(B) OBC certificate issued by a competent authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. This certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of NCT of Delhi to a family member of the concerned person who had been residing in Delhi before 08/09/1993.”

4.0. The applicants pleaded that they have secured marks in the written examination which were above cut off for the OBC candidates. However, they have been treated as UR candidates and accordingly they have not been short listed.

5.0. On a specific query, applicants fairly replied that they were issued OBC certificate by competent authority outside Delhi and they applied to Delhi authority, later to the closing date of the application.

However, since they belong to OBC and the particular caste, which is included as OBC for Rajasthan is included for OBC for Delhi also, they pleaded that they ought to be counted towards OBC for Delhi also, even though their certificate was not issued by authority at Delhi.

6.0. Matter has been heard at admission stage.

7.0. Since the applicants did not have OBC certificate issued by authorities at Delhi, as was required in the said advertisement, they were counted as UR candidates in accordance with the policy which is very well spelt out in the said advertisement



notice. (para 3 supra). This cannot be faulted. OA is liable to be dismissed.

8.0. Accordingly, the OA is dismissed at admission stage itself being devoid of merits. No costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

Sarita