



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 4360/2017
MA 70/2018

Reserved on 20.01.2020
Pronounced on 29.01.2020

**Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Mr.Mohd.Jamshed, Member (A)**

Mamta w/o Sh. Devender Kumar
r/o Village and P.O Palhawas,
District Rewari, Haryana,
Also at H.No. 290 Phase 1,
Pocket 1, Netaji Subhash Apartment,
Sector 13, Dwarka,
New Delhi-110078

.... Applicant

(By Advocate: Mr. Lalit Kumar)

VERSUS

1. Govt. of India
Ministry of HRD
Department of School Education and
Literacy through its Secretary
(SE-1) Shastri Bhawan, New Delhi-110001
2. Government of NCT of Delhi
Delhi Subordinate Services Selection
Board through its Secretary,
FC-18, Institutional Area,
Karkardooma, Delhi-92
3. Directorate of Education through its
Secretary, Old Secretariat,
Near Vidhan Sabha, Civil Lines,
New Delhi-110054. Respondents

(By Advocate: Mr.Anuj Kumar Sharma, Mr. Chandratanay
Chabe with Mr. Shlok Chandra)



O R D E R

(Hon'ble Mr. S.N.Terdal, Member (J):

We have heard Mr. Lalit Kumar, counsel for applicant and Mr. Anuj Kumar Sharma, Mr. Chandratanay Chaube with Mr. Shlok Chandra, counsel for respondents, perused the pleadings and documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- "(a) That the Hon'ble Tribunal may graciously be pleased to set aside the arbitrary and discretionary Result Notice No.484 bearing Ref.No. 1(280)/CC-II/DSSSB/2016/PF/230-238 dated 15/03/2017 published by the Respondent no.2;
- (b) Direct the Respondents herein to consider the case of reserved category candidates in the merit of their respective reserved categories and UR/GO category and not consider them in unreserved category as there is a separate list of ST category, OBC category, SC category and UR/GO category & OH category and VH category (no candidate found).
- (c) Pass an appropriate order direct the Respondents to consider the Applicant under OBC category at par with other OBC category candidates in terms of reservation policy:
- (d) Any other relief that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

3. The relevant facts of the case are that the applicant applied for the post of PGT (History) Female with post code no 139/2012 under the category OBC outsider. She appeared for the examination and when the result was published she was considered under UR



category. The case of the applicant is that as she had applied under the OBC category she should have been considered under the OBC category irrespective of whether she was OBC category of Delhi or OBC category belonging to outside Delhi. But, however, the respondents cannot consider her under UR category.

4. The counsel for the respondents vehemently and strenuously submitted that though there was a column in the application form regarding OBC outside Delhi category but, however, there is no quota reserved for the candidates who belonged to OBC outside Delhi category and as per the notification of the respondents-Government the reservation in the OBC category would be given to those candidates who submit their OBC certificate for having belonging to Delhi. The said notification is extracted below:-

"F.19(01)/2012/S.IV/1241-1258 Dated 28.07.2016
To

All Head of Departments,
Govt. of NCT of Delhi,
Delhi/New Delhi.

Sub: Reservation for OBCs in the jobs under the
Government of NCT of Delhi-reg.

Sir/Madam,

In continuation with this department's circular dated 27.07.2007 on the subject cited above (copy enclosed) I am directed to inform that Govt. of NCT of Delhi has decided to accept the following two types of



certificates as valid certificates for grant of benefit of reservation to OBCs in civil posts under Govt. of NCT of Delhi:-

- 1) OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of any old certificate issued to any member of individual's family from GNCT of Delhi.
- 2) 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 any family member of the concerned person who had been residing in Delhi before 08.09.1993.

This issue with the prior approval of the Competent Authority."

5. Admittedly the applicant is not belonging to OBC of Delhi. There is no post reserved under the category OBC outsider. In the circumstances and in view of the notification relied upon by the respondents and extracted above, we are of the view that there is no merit in the contention of the applicant. Accordingly, OA is dismissed. No order as to costs.

(Mohd. Jamshed)
Member (A)

(S.N.Terdal)
Member (J)

'sk"