

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2553/99

New Delhi this the 24th day of April, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman
Hon'ble Mrs. Shanta Shastry, Member (Admnv)

Smt. Kamlesh,
W/o Shri Jai Prakash,
R/o 71-A, Kundan Nagar,
Laxmiinagar, Delhi-110092.

...Applicant

(By Advocate Shri S.R. Singh)

-Versus-

1. Govt. of NCT of Delhi through
The Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110054.
2. Delhi Subordinate Services Selection Board,
through Chairman,
3rd Floor, UTCS Building,
Industrial Area,
Vishwas Nagar,
Shahadra,
Delhi-110032.
3. The Secretary,
Delhi Subordinate Services Selection Board,
3rd Floor UTCS Building,
Industrial Area, Vishwas Nagar,
Delhi-110032.

...Respondents

(By Advocate Shri Vijay Pandita)

ORDER

By Reddy, J.-

The applicant challenges the action of the respondents in withholding her appointment as Primary Teacher. The facts of the case in brief are as under:

2. The applicant originally belongs to the Moradabad District in the State of Uttar Pradesh. She belongs to scheduled caste (SC) 'Jatav' community. Upon her marriage to one Jai Prakash of 'Jatav' community in 1994, she shifted to Delhi. Since then she has been living with her husband in Delhi and thus acquired domicile status on



(2)

permanent basis. SDM, Shahadra, Delhi issued a SC certificate to the applicant on 29.6.98 on the basis of her SC certificate dated 8.7.87 issued from U.P.

2.1 The Delhi Subordinate Services Selection Board (DSSSB) issued an advertisement on 11.6.98, inviting applications for recruitment to the post of Primary Teacher, Nursery Teacher and Assistant Teacher, including 700 posts of Primary Teachers reserved for candidates belong to SC community. The applicant was one of the SC candidates who had applied for the post of Primary Teachers. She had enclosed a copy of the SC certificate dated 8.7.87 issued from UP and the copy of the acknowledgement dated 29.6.88 from SDM Office, Shahdra. Subsequently, the applicant submitted a copy of the SC certificate issued by the NCT of Delhi on 3.8.98. On 8.10.98 she was called for verification of documents. The respondents verified the SC certificate and other certificates and the applicant satisfied all the eligibility criteria for selection. The select panel for reserved candidates was published on 29.9.99 but her name was not found in that list. She was informed that she was considered only as a general candidate and not a SC candidate and as her score was much below the general list, her name was withheld.

3. In the reply the respondents have stated that the applicant had not enclosed any SC certificate along with the application form. The certificate dated 8.7.97 which was enclosed with the application was in the name of one Hem Raj Singh and not in the name of the applicant. The applicant furnished the SC certificate from the Government of NCT of Delhi only on 3.8.98 and the same has been rejected as it was

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issued after the cut off date of 30.6.98. The learned counsel for the respondents Shri Vijay Pandita submits that the applicant was rightly not considered as a SC candidate and her candidature was rejected in view of her poor score in the selection.

4. We have perused the pleadings and considered the arguments advanced on either side.

5. The only point that is to be considered in this case is whether the SC certificate date 29.6.98 submitted by the applicant after the 'cut off' date was liable to be rejected on the ground that it has been issued after the 'cut off' date. In the advertisement issued by the DSSSB, inviting applications for Primary Teachers and other categories of posts, the last date for receiving the application forms along with the documents ^{was} / on or before 30.6.98. In the information of Brochure it was stipulated that the candidates belonging to SC/OBC category should provide a certificate issued in this regard by a competent authority of Government of NCT of Delhi only in the prescribed form.

6. The learned counsel places strong reliance upon the judgement of the High Court in Tej Pal Singh & Others v. Government of N.C.T. of Delhi and Others, CWP No.1356/99 dated 24.12.99.

7. We have perused the above judgment. The question that arose for determination was " whether the candidature of the petitioners for the post of Assistant Teachers in the category reserved for 'SC' be denied on the

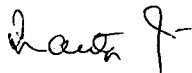


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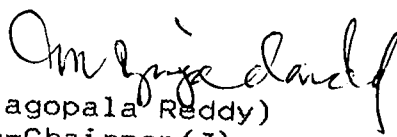
ground that the certificate of 'SC' issued by competent authority from government of NCTD and submitted by the petitioners is of a date after 30th June, 1998." Discussing the judgements, that were cited, elaborately it was held that the petitioners were entitled to submit the SC certificate issued by the competent authority of Government of NCT Delhi after 30.6.98 and as those certificates were submitted by the petitioners within the reasonable time after the 'cut off' date it was impermissible for the respondents to reject the candidature of candidates on the ground that the certificate were submitted after 30.6.98.

8. In view of the above pronouncement of the High Court in an identical matter, we are of the view that above judgment clearly covers the present case and the OA, therefore, has to be allowed.

9. It is not the case of the respondents that the applicant was not a SC candidate or that the SC certificate dated 3.8.98 was not genuine. In the circumstances, the respondents are directed to consider the case of the applicant for the post of Primary Teacher and appoint her if she was found suitable. This exercise shall be done within a period of 30 days from the date of receipt of a copy of the order. The O.A. is, accordingly allowed. We do not, however, order costs.


(Smt. Shanta Shastry)
Member (Admnv)

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(V. Rajagopala Reddy)
Vice-Chairman(J)