



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 4463/2017

This the 05th day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Kusum Lata,
Aged about 27 years
d/o Sh. Satya Narain Yadav,
w/o Sh. Mahesh Kumar,
r/o RZ-98, B Block, Phase-III,
Prem Nagar, Najafgarh,
New Delhi – 110043.

Also at

House No. 83, Village Kankrola,
P.O Bhangrola, District Gurgaon,
Haryana – 122505.

...Applicant

(By Advocate: Shri Anil Mittal)

VERSUS

1. Govt. of NCT of Delhi
5th Floor, Delhi Sachivalaya,
New Delhi.
(Through the Chief Secretary)
2. Delhi Subordinate Services Selection Board,
Govt. of NCT of Delhi,
F-18, Karkardooma,
Institutional Area, Delhi – 92
(Through its Chairman)

...Respondents

(By Advocate: Shri Amit Yadav and Shri R.V. Sinha)

ORDER (Oral)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman:

The Delhi Subordinate Services Selection Board (DSSSB) – Respondent no. 2 herein, issued an Advertisement No. 01/14 inviting applications for selection of candidates to different categories of posts in the Delhi Administration and Municipal Corporations. One such post was TGT (Computer Science) with Post Code 192/14. The applicant responded to the notification for the said post and claimed the status of OBC candidate. The examination was held on 21.05.2017 and she secured 93.25 marks which enabled her to be included in the list of selected candidates.

2. The applicant contends that she enclosed a caste certificated dated 13.12.2008 issued by the Authorities of the Delhi State which is to the effect that she belongs to OBC category. She contends that she was married after the examination, to a person in the State of Haryana bordering Delhi and after declaration of results, she was required to upload the e-dossiers and one of the requirements was to upload the caste certificate of the contemporary period. Accordingly, she obtained the caste certificate from the authorities of the Haryana state and uploaded the same. It is also to the effect that she belongs to OBC category. The second respondent however did not consider her candidature



on the ground that there is discrepancy in the social status as evident from the two certificates. In reply to a representation made by her, she was informed that she is an OBC from outside the State and accordingly, she is treated as unreserved candidate. It was also mentioned that with 93.25 marks, she cannot be considered in that zone. This OA is filed challenging the reply dated 30.11.2017 and for declaration to the effect that she is entitled to be treated as OBC candidate for the post of TGT (Computer Science).

3. The applicant contends that the Advertisement itself made it clear that the certificate regarding social status must be the one, issued before the closing date for submission of the applications and certificate issued by the Delhi Administration on 13.12.2008 clearly indicates that she belongs to OBC. She further submits that the subsequent certificate issued by the Haryana Government cannot be said to have resulted in the change in her social status.

4. The respondents filed detailed reply. It is stated that once the applicant has filed a certificate issued by the State of Haryana, she is required to be treated as Unreserved candidate as provided for under the Advertisement itself.

5. We heard Sh. Anil Mittal, learned counsel for the applicant and Sh. Amit Yadav, learned counsel for the respondents, in detail.



6. The applicant responded to the Advertisement in respect to TGT (Computer Science). In the examination conducted for that purpose, she secured 93.25 marks. With those marks, she was entitled to be selected, in case her social status as OBC is accepted. However, that was denied to her. Therefore, the entire controversy is as to whether she can be treated as an OBC candidate.

7. The respondents have incorporated the procedure to be followed for claiming the benefit of reservation. In Para 5 (ii) of the Advertisement, it is mentioned as under:

“(ii) Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, **must be in possession of relevant certificate issued to them on or before the closing date by the competent/notified authority (in prescribed format)** otherwise their claim for SC/ST/OBC/Physically Handicapped/Ex-Servicemen & other special category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise.”

8. From this, it is evident that the certificate must be the one, which was issued before the last date of submission of application. The applicant enclosed a certificate dated 13.12.2008 issued by the Executive Magistrate (Palam) SDM Office Complex, Nasimabad, Delhi. It clearly mentioned that she belongs to OBC category and is not within the creamy layer. The respondents, do not dispute the genuinity or admissibility of that certificate. What however made the



respondents to deny her, the benefit, is the certificate dated 01.03.2016 issued to the applicant by the Tehsildar, Gurugram.

9. It was already mentioned that the applicant was married to a person from the State of Haryana and was residing in the border area. Since the uploading of the information in e-dossiers after declaration of results, warranted uploading of the caste certificate of the relevant period, the applicant has uploaded the certificate dated 01.03.2016. It is not as if that the certificate has indicated any change of the social status of the applicant. It has just reiterated what is certified by the Delhi Administration in the year 2008. Therefore, the status of the applicant cannot be said to have changed. This is particularly so, in view of the mandate contained in Para 5 of the Advertisement. In a catena of decisions, the Hon'ble High Court of Delhi held that the social status of a person would remain the same and there are also instances of the certificates issued for the first time after the examination were also being recognized.

10. We are convinced that the applicant is entitled to be treated as an OBC candidate for the selection in question. We, therefore, allow the OA and set aside the impugned communication. We direct the respondents to consider the case of the applicant for appointment to the post of TGT



(Computer Science) with Post Code 192/14 by treating her as an OBC candidate and complete the formalities within a period of four weeks from the date of receipt of a copy of this order. We also direct that in the event of her being appointed, the applicant shall not be entitled to be paid any arrears but her seniority shall be reckoned with reference to her merit in the selection list.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (J)

(Justice L. Narasimha Reddy)
Chairman

/pj/ns/ankit/akshaya/