

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**O.A.No. 100/910/2020  
(DIARY No.2360/2020)  
This the 17<sup>th</sup> day of July, 2020**



**THE HON'BLE MR. JUSTICE L.NARASIMHA REDDY, CHAIRMAN  
THE HON'BLE MR.MOHD.JAMSHED, ADMINISTRATIVE MEMBER**

Pankaj  
S/o Shri Satnarayan  
R/o House No.93-B, Naveen Palace, Kali Piou  
Jharodakalan, Delhi – 110 072 ... Applicant

(By Advocate : Mr.Ram Kumar)

Vs.

Secretary  
DSSSB GNCTD  
FC – 18, Institutional Area  
Karkardooma  
New Delhi – 110 092 ... Respondents

(By Advocate : Mr.Anuj Kumar Sharma)

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**ORAL ORDER**

***{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}***

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The Delhi Subordinate Services Selection Board - respondent herein issued Advertisement No. 02/2018 inviting applications for appointment to the post of Nursing Officer in the Government of NCT of Delhi. The applicant responded to the same. After the selection process was concluded, the respondents issued notice dated 13.06.2020 rejecting the

candidature of eleven candidates. The applicant occurred at Serial No. 11. Against his roll number, it is mentioned that the candidature was cancelled on account of the fact that the result in the qualifying examination, i.e., B.Sc. Nursing was declared on 21.08.2018, which is subsequent to the cut off date, i.e., 13.08.2018.



2. The applicant filed this OA challenging the rejection notice dated 13.06.2020. He contends that the result of B.Sc. Nursing was declared on 01.08.2018 and the respondents have taken into account, the date on which the mark sheet was issued, i.e. 21.08.2018. The applicant contends that Shree Guru Gobind Singh Tricentenary University in which he studied B.Sc. Nursing, has clearly mentioned that the results were declared on 01.08.2018 and despite that the respondents have issued the impugned notice.

3. We heard Sh. Ram Kumar, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents. In fact, learned counsel for the respondents has obtained instructions and stated that the plea of the applicant is under consideration.

4. It is not in dispute that the applicant took part in the selection process for the post of Nursing Officer, in response to Advertisement No. 02/2018. After scrutiny of the application and results, the respondents issued rejection notice dated

13.06.2020. Against the roll number of the applicant, the following is mentioned:

“As per mark sheet of final year of B.Sc. Nursing, date of declaration of results is mentioned as 21.08.2018, after cut off date, i.e., 13.08.2018.”



From the above it is evident that the respondents have proceeded on the assumption that the results of the final year of B.Sc. Nursing course were declared on 21.08.2018, which is obviously beyond the cut off date. However, there appears to be some mistake in this behalf. It is no doubt true that the mark sheet was issued on 21.08.2018. The fact however remains that the results were declared on 01.08.2018. This aspect was made clear by the University, in the memo where it was mentioned as under:

“This is to certify that Mr. Pankaj S/O Mr. Satnarayan has completed his studies of 4 Years Degree Course of B.Sc. Nursing during the Academic Session from August 2014 To August 2018 under Faculty of Nursing his Registration No. 140401030. He secured 1641/2600 Marks as per the result declared by Shree Guru Gobind Singh Tricentenary University, Budhera Distt-Gurugram on 01.08.2018. And Mark sheets were issued on 21.08.2018.”

6. After the table of marks, the following is mentioned:

“RESULT: PASS AND HAS OBTAINED ONE THOUSAND SIX HUNDRED AND FORTY ONE MARKS ONLY.

DATE OF DECLARATION: 1/8/2018”

7. Once the University has clarified that the results were declared on 01.08.2018, the respondents cannot cancel the candidature of the applicant.



8. Across the Bar, it is stated that the date of registration of the applicant in Nursing Council is beyond the cut off date, i.e., 13.08.2018. It has absolutely no relevance. There is no mention of that fact in the impugned notice. Had it been a condition that the registration with the Nursing Council must be before a particular date, the respondents would have made that clear, as in the case of, the date of declaration of results.

9. We, therefore, allow the OA and set aside the impugned notice, insofar as it concerns the applicant. The respondents shall process the case of the applicant along with other successful candidates without treating him as disqualified.

10. There shall be no order as to costs.

**( MOHD. JAMSHED )**  
**MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

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