

**Central Administrative Tribunal
Principal Bench**

**OA No.100/1063/2020
MA No.1310/2020**

New Delhi, this the 17th day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Ritesh Dabas

S/o. Sh. Sudhir Singh

Aged about 29 years,

R/o. 55, Main Qutub Garb Road,
Ladpur, North West Delhi -110 081

Post : Assistant Teacher (Primary)

Post Code : 15/9

Group – B

....Applicant

(By Advocate : Mr. Anuj Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB)
Through its Chairman
Govt. of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi – 110 092.

2. Directorate of Education,
Through Director of Education,
Govt. of NCT of Delhi
Old Secretarial Building,
Civil Lines, Delhi – 110 054.

...Respondents

(By Advocate : Ms. Esha Mazumdar)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant participated in an examination, conducted for selection to the post of Assistant Teacher (Primary) (Post Code No.15/2019), by the Delhi Subordinate Services Selection Board (DSSSB). According to the notification issued by DSSSB, the certificates and other particulars were required to be uploaded between 02.06.2020 and 16.06.2020.

2. The applicant contends that though he emerged as a successful candidate, he could not upload the documents/e-dossiers on account of the server of the respondents being busy and non accessible.

3. The respondents published a rejection notice dated 24.07.2020 which comprises the list of candidates who failed to upload the documents/e-dossiers within the stipulated time. The hall ticket number of the applicant figured therein.

4. This OA is filed challenging the rejection notice dated 24.07.2020, and for a direction to the respondents to consider the case of the applicant for appointment to the post of Teacher.

5. We heard Shri Anuj Aggarwal, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

6. It is not in dispute that the applicant has emerged as one of the meritorious candidates and he was entitled to be appointed as a Teacher, in case the remaining formalities were completed. The scrutiny of various certificates takes place after declaration of the results. The respondents fixed the date between 02.06.2020 and 16.06.2020 to enable the successful candidates to upload their documents/e-dossiers. It is not in dispute that the applicant failed to upload the documents/e-dossiers within the stipulated time. In this OA, it is stated that the documents/e-dossiers could not be uploaded on account of the server of the respondents being busy.

Another fact stated by the applicant is that he suffered an injury in ankle.

7. The applicant submitted a representation on 22.06.2020. What we find from the representation is that the inability or failure of the applicant to upload the documents/e-dossiers on account of non availability of marks sheet of CIET, to be issued by the CBSE. It is stated that the CBSE was unable to issue that mark sheet on account of non availability of the staff.

8. Once the failure to upload the documents within the stipulated time was on account of non availability of one of the essential certificates with the applicant, there is no way, that the respondents can be found fault with, for including the name of the applicant in the list of rejected candidates. Further, recently, in WP No.2892/2019 through its order dated 26.03.2019, the Hon'ble High Court of Delhi, took the view that once the candidate failed to upload the documents within the stipulated time, no relief can be granted. One of the reasons mentioned by the High Court was that

there may be several similarly situated candidates, and the whole selection process would be affected.

9. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

10. MA No.1310/2020 shall stand dismissed.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/sd