



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 220/2020

New Delhi, this the 05th day of October, 2020

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

Vishal Singh Tanwar, Roll No. 11200300084 (now 30 yrs),
S/o Sh. R. S. Tanwar,
R/o H. No. 725, Street No. 25, B- Block,
Sant Nagar, Burari, Delhi – 110084.

...Applicant

(By Advocate: Mr. Rajesh Kumar)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat, IP Estate,
New Delhi.
2. The Principal Secretary (Services),
Govt. of NCT of Delhi,
New Secretariat, IP Estate,
New Delhi.
3. Delhi Subordinate Staff Selection Board,
Through its Chairman,
FC-18, Industrial Area, Karkardooma, Delhi.
4. The Chairman/Director,
Delhi Pollution Control Committee,
4th & 5th Floor, ISBT, GT Karnal Road,
New Delhi – 110006.

...Respondents

(By Advocate: Ms. Esha Mazumdar)



ORDER (ORAL)

Mohd. Jamshed, Member (A):-

The Delhi Subordinate Services Selection Board (DSSSB) issued advertisement for vacancies of Legal Assistant (post code-11/19) vide advertisement No. 02/19 on 29.01.2019. The applicant applied for the same thorough online portal of DSSSB and appeared in the examination. It is stated that on 05.01.2020, while searching for DSSSB Legal Assistant result, on the internet, he came to know that the result of the said examination had already been declared on 16.12.2019 and the successful candidates had already been advised to fill the e-dossier and upload all the documents of educational/professional qualification in the Online Application Registration System (OARS) link in their individual accounts and that the link was activated for uploading of e-dossier from 19.12.2019 to 02.01.2020.

2. The applicant contends that on 05.01.2020 when he came to know of the result, he tried to upload the e-dossier, however, the link had already



been deactivated and he could not do so. He visited the office of the respondents on 07.01.2020 and made a complaint regarding non receipt of information of result on his mobile number and email id. He also filed an application to obtain information through Right to Information (RTI) to know about the number of candidates who have successfully uploaded their e-dossier and also asked for marks of successful candidates. The applicant contends that although the result was published on the website of DSSSB and the link was also activated for uploading of e-dossier from 19.12.2019 to 02.01.2020, the respondents failed to inform him about the same through SMS/email due to which he missed the opportunity to upload the e-dossier. He filed the present OA seeking relief in terms of a direction to the respondents to consider the documents through offline or online mode by re-opening the link to upload e-dossier.

3. The applicant also contends that he had secured more marks than the minimum marks in the OBC category as well as UR category and, therefore, depriving him of the selection as Legal



Assistant is entirely due to the fault of the respondents.

4. In support of his arguments, he has placed reliance upon Tribunal's order in OA No. 974/2019 and other judgments.

5. The respondents submitted that the applicant was supposed to upload/submit his document on e-dossier on OARS link within the stipulated period. However, he failed to do so. The DSSSB vide its notice No. 855 dated 16.12.2019 declared the result and allowed the candidates to upload their e-dossier. It is also stated that in the admit card, it is very clearly mentioned that candidates are advised to visit DSSSB website and that no separate intimation will be given. Respondents have also relied upon a large number of judgments of the Tribunal and also the Hon'ble High Court. It is also stated that it is the responsibility of the candidates to visit DSSSB website for important information and that the contention of the applicant that he should have been informed through SMS/email is incorrect as all the information is displayed on the DSSSB



website and 07 candidates had successfully uploaded their e-dossier. The respondents have also relied upon the Tribunal judgment in OA No. 549/2019 titled as **Pushpendra Singh Parnami Vs DSSSB & Anr.** which was challenged through W.P. (C) No. 2892/2019 in the Hon'ble High Court of Delhi and the Hon'ble High Court upheld the order of the Tribunal.

6. We heard Mr. Rajesh Kumar, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

7. The applicant, however, appeared in the selection for the post of Legal Assistant (Post code-11/19). The DSSSB vide its notice No. 855 dated 16.12.2019 allowed the candidates to upload their e-dossier in the OARS link from 19.12.2019 to 02.01.2020. The applicant, however, did not visit the DSSSB website and 7 other candidates had uploaded the e-dossiers during this period and it is only on 05.01.2020, he came to know while searching on the internet that the results have been declared and e-dossiers were to be uploaded during 19.12.2019 to 02.01.2020. On 07.01.2020,



he made a representation that he be allowed to upload the e-dossier and that he has not been given the information separately through SMS/email.

8. The contention of the applicant that he should have been informed separately through SMS/email about uploading of e-dossier in OARS link is not correct as the respondents have contended that DSSSB website is the main source of information for which clear direction have also been indicated even in the admit card also. With regard to his application for considering his request for uploading of e-dossier at a later stage after the cut off date, the respondents have relied upon various judgments, the latest being the judgment of the Hon'ble High Court of Delhi in W.P. (C) No. 2892/2019 titled as **Pushpendra Singh Parnami Vs Delhi Subordinate Services Selection Board (DSSSB) & Anr.** dated 25.03.2018. The order passed by the Hon'ble High Court of Delhi, reads as under:-

“ At the outset, we notice that the petitioner has not produced on record the detailed order passed by the Tribunal on 18.02.2019. The impugned order placed on record, merely states



“dismissed at the admission stage itself. Detailed order typed separately”.

Counsel for the respondent, who appears on advance notice tenders in Court a copy of the detailed order dated 18.02.2019 passed by the Central Administrative Tribunal, New Delhi in O.A.No.549/2019 preferred by the petitioner. The same is taken on record.

The petitioner, who is a scheduled caste candidate, participated in the written examination held by the Delhi Subordinate Services Selection Board (DSSSB) for the post of PGT(History). He was declared successful in the result, which was displayed on the website of the DSSSB. The petitioner, however, did not respond to the said notification and did not upload his e-dossiers within the permitted time. He claims that he became aware of the result only in January, 2019 when he sought to upload his e-dossiers, which was not accepted, since the last date for doing the same was already over on 16.09.2018.

The submission of the petitioner is that he belongs to a very remote area in the State of Rajasthan and due to lack of internet connectivity and his illness he could not learn about the result declared by the DSSSB on its website. We are unable to accept this submission. The petitioner while applying for the post of PGT (History) was well aware that the result of the written examination would be uploaded by the DSSSB on its website and it was for the petitioner to track the same and to respond in terms of the advertisement issued by the respondent.

Having missed the bus, he cannot be permitted to submit his documents/e-dossiers after the cut-off date. If such relaxation were to be granted to one candidate, it would be discriminatory in respect of others, who may have similarly missed the bus and this would render the entire process undertaken by the DSSSB as open ended.

In view of the aforesaid, we find no merit in the present petition and the same is dismissed.”

9. The Hon'ble High Court has held that the results of the examinations are uploaded by DSSSB on its website and it is for the petitioner



to check the same and to respond. Having missed the bus, he cannot be permitted to submit his documents/e-dossier after the cut-off date.

10. Thus, in view of the order of the Hon'ble Delhi High Court, we are of the view that the present case is fully covered. We do not find any merit in the present OA and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

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