



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**OA No. 2385/2018
MA No. 2648/2018**

This the 05th day of May, 2021

(Through Video Conferencing)

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

Vinod Kumar Raigar, age 36 yrs,
S/o Shri Hazari Lal,
Posted as Drawing Teacher,
At Govt. Boys Senior Secondary School,
Amalwas, Jawalapuri, New Delhi.
R/o VPO Roopgarh. Teh. Dantaramgarh,
Distt. Sikar, Rajasthan-332406.

... Applicant

(By Advocate: Mr. M. S. Saini)

Versus

1. Govt. of NCT of Delhi,
Through Chief Secretary,
Govt. of NCT of Delhi, New Sectt.,
IP Estate, New Delhi.
2. Delhi Subordinate Services Selection Board,
Through its Chairman, DSSSB,
FC-18, Institutional Area, Karkardooma,
Delhi.
3. Director of Education,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi – 110054.

... Respondents

(By Advocate : Mr. Siddhartha Panda)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :

The Delhi Subordinate Service Selection Board (DSSSB) issued an Advertisement in the year 2014 for various posts including that of Drawing Teacher, with Code No. 208/14. Written test was held for the purpose of selection. On the basis of performance therein, the applicant was selected, and order of appointment was issued on 18.05.2018. He joined the post on 21.05.2018.

2. The respondents' issued a revised result notice on 24.05.2018 wherein the candidates who were not selected earlier were shown as having been selected, and some of them selected and appointed, including the applicant, were omitted. This OA is filed challenging the revised result notice dated 24.05.2018. The applicant contends that once he was selected and appointed to the post, there was absolutely no basis for the respondents to revise the select list. He further contends that his right on being appointed and of joining the duty, cannot be taken away through the process of revising the result. Various other contentions are also urged.

3. The respondents filed reply stating that the candidates who were otherwise eligible but were omitted for consideration have complained about their non-selection and after, taking into account the judgment of the Hon'ble High Court in WP(C) No. 7263/2007 dated 07.07.2008, the revised result notice was issued. They contend that the verification of the matter revealed that the candidates who were more meritorious than the applicant



were not selected and accordingly, corrective steps were taken through the revised result notice.

4. We heard Sh. M.S. Saini, learned counsel for the applicant and Sh. Siddhartha Panda, learned counsel for the respondents.

5. It is a matter of record that the applicant was selected and appointed to the post of Drawing Teacher vide order dated 18.05.2018 and he joined the duty on 21.05.2018. The relationship between the employee and the employer came to be established between the respondents and the applicant. That in turn, is governed by the relevant service rules. The applicant could have been discontinued from service only in accordance with the prescribed procedure. Without even uttering a word about the selection of the applicant, the respondents have simply issued the revised result notice dated 25.05.2018. The name of the applicant did not figure therein. It may be competent for the respondents to issue supplementary or revised result notice. That however could not be to the detriment to the applicant or the candidates who are already appointed. In case it became necessary, to replace any selected and appointed candidates, the law provides for a detailed procedure. Firstly, they must be issued a notice and thereafter, a detailed order must be passed about the nature of steps that are to be taken duly taking into account the explanation offered by the applicant. None of those steps have been taken in this behalf.

6. In relation to this very issue of selection, a batch of OAs was filed before this Tribunal being, OA No. 2369/2018, etc. Through a detailed common order dated 20.12.2019, this Tribunal has disposed of the OAs and



directed that the appointment of the candidates shall not get affected in any manner on account of the revised result notice. Same situation obtains in this OA also.

7. We, therefore, allow the OA and direct that the revised result notice dated 25.05.2018 shall not have any effect upon the applicant and he shall continue in service.

Pending MA also stands disposed of.

There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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