



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

**O.A. No.2579/2018
M.A. No.2408/2020**

This the 17th day of February, 2021

(Through Video Conferencing)

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

1. Gaurav Kumar
S/o Sh. Ram Niwas Sharma
R/o 57, Pandwala Kalan,
New Delhi-110043.
2. Amit Kumar
S/o Sh. Shiv Kumar
R/o C-43/3, Rama Vihar,
Near Sharma Medicos
Gali No. 18, PO Karala,
Delhi-110081.
3. Vinay
S/o Sh. Subhash Verma
R/o 15/138, Kacha Bagh
Jatwara Moholla,
Bahadurgarh.
4. Deepak Saini
S/o Sh. Dharmchand Saini
R/o DG-319, Ward No. 06, Delhi Road
Kharkhoda, District Sonipat,
Haryana.



5. Sumant Jain
W/o Sh. Ankur Mittal
R/o H.No. 77, Ist Floor, Pkt-22
Sector-24, Rohini, New Delhi-110085.
6. Dharmendra
S/o Sh. Ram Singh
R/o VPO Kheri Kalan, Munda Mohalla
Near Paramhansa School, Faridabad
Haryana-121002.
7. Dhananjay Pratap Singh
S/o Sh. Baleshwar Singh
R/o 21A, Ber Sarai, Hauz Khas,
Delhi-110016.
8. Atul Pratap Singh
S/o Sh. Rajveer Singh
R/o 2/613, H-10, Rambag Colony
Ramghat Road, Aligarh,
UP-202001.
9. Rishabh
S/o Sh. Abhinandan Jain
R/o H.No. 248/2, Near Jot Ram Jain Girls School
Babra Mohalla, Rohtak,
UP-124001.
10. Yogesh Kumar
S/o Sh. Ved Prakash
R/o C/o S P Kushwah, H.No. 793/8
Sainik Nagar, Kasampur, Meerut
Uttar Pradesh-250001.
11. Pankaj Agarwal
S/o Sh. Rajkumar Agarwal
R/o H.No. 72/76, Agarsen Vihar, Jansath Road
Kambalvala Bagh, Muzaffarnagar-251001.



12. Gaurav Singh,
S/o Sh. Ravindra Kumar Singh
R/o BMV Mehta Campus, Mehta Road,
Bharwari, Kaushambi, UP-212201
13. Pradeep Kumar,
S/o Sh. Prem Singh,
R/o Near 44 B.N P.A.C. Bijli Bamba Tower Wali Gali,
Hapur Road,
Meerut
14. Pooja
D/o Sh. Ram Chander Dehraj
R/o B-25, Amar Colony, Nangloi,
New Delhi-110041.
15. Bhoopendra Kumar Rawat
S/o Sh. Bhagwan Chandra Sharma
R/o A-21, Behing Housing Board, Krishna Nagar
Bharatpur,
Rajasthan-321001.
16. Sunita Devi
D/o Sh. Surinder Singh
R/o 77-C, Pocket-A, Mayur Vihar
Phase-2, Delhi-110091.
17. Prayas Kaushik
S/o Sh. Pramod Sharma
R/o Pratima Sadan, Opposite to IMR College
Duhai, Ghaziabad,
UP-201206.
18. Asif
S/o Sh. Sayeed Ahamad
R/o Mughalpura, Baghpat,
Dist. Baghpat, UP.



19. Rakesh Kumar
S/o Sh. Ram Kishan
R/o H.No.10, Libaspur Road
Samaipur,
Delhi-110042.
20. Sudhir Bahuguna
S/o Sh. Madhava Nand Bahuguna
R/o 352, Rajeshwari Puram, Mohakampur
Dehradun,
Uttarakhand-248005.
21. Neelam
D/o Sh. Surendra Kumar
R/o 20/245, Kalyanpuri,
Delhi-110091.
22. Kulvinder Kaur
D/o Sh. Bhim Singh
R/o H.No.2053/2, Sector 47 C
Chandigarh-160047.
23. Rambir
S/o Sh. Jaibir Singh
R/o VPO Singhwa Khas, The. Hansi
Dist. Hisar, Haryana.
24. Rittu Kumari
W/o Sh. Sarvdeep
R/o 84, Adrash Nagar, Near Sriram Hospital
Nandri, Jodhpur, Rajasthan.
25. Reetika Chawla
D/o Sh. P.S. Chawla
R/o 170B, RED MIG Flats
Rajouri Garden
New Delhi-110027.

26. Kirti Mohan Gaur
 S/o Sh. Ashok Kumar Gaur
 R/o B-72, 4th Floor, Street No.03
 East Vinod Nagar,
 Delhi-110091.



27. Dayanand
 S/o Sh. Balmukund Prasad
 R/o Balmukund Niwas, B-7/67
 Khajuri Khas,
 Delhi-110090.

28. Anurekh Kumar
 S/o Sh. Krishan Pal
 R/o 1/4136, Ram Nagar Ext.
 Loni Road, Shahdara,
 Delhi-110032.

29. Divya Jain
 D/o Sh. Adesh Jain
 R/o B-1078, Shastri Nagar,
 Delhi-110052.

30. Vaibhav Panwar
 S/o Dr. Surender Singh
 R/o R-13, SF, Model Town-III
 Delhi-110009.

31. Mukesh Kumar
 S/o Sh. Paramjeet Singh
 R/o A-69, Aggarwal Colony, Rajdhani Park
 Nangloi, Delhi-110041.

32. Meenakshi Kaushik
 W/o Sh. S.L. Kaushik
 R/o G-3/84, Sector-15
 Rohini, Delhi-110085.

... Applicants

(through Sh. Ajesh Luthra, Advocate)

Versus

1. GNCT of Delhi
Through its Chief Secretary
5th Level, A Wing
Delhi Secretariat
IP Estate, New Delhi.
2. Delhi Subordinate Services Selection Board
Through its Secretary
F-18, Karkardooma Institutional Area
New Delhi.
3. Directorate of Education
Through its Director
(GNCT of Delhi)
Old Secretariat, Delhi-110054. Respondents

(through Sh. Anuj Kumar Sharma and Ms. Esha Mazumdar, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:



The Delhi Subordinate Services Selection Board, the 2nd respondent herein, issued an advertisement in the year 2014, inviting applications for various posts including Trained Graduate Teacher (Computer Science) (for short TGT (CS)) with Post Code No.192/14. The applicants and several others responded. An examination was conducted and the final results were declared in September 2019. Apart from displaying the list of selected candidates, a waiting panel was also prepared.

2. The applicants contend that though the user departments have returned the dossiers of the several candidates and a quite large number of vacancies existed, the respondents did not operate the waiting list, and thereby, they are being denied an opportunity of being appointed.

3. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the selection was undertaken for 1025 vacancies under UR, 547 for OBC, 303 for SC and 151 for ST categories. As against such



vacancies, the short listing of candidates was done for 2067 UR, 407 OBC, 607 SC and 92 for ST, and adequate number of candidates under OBC and ST were not available. It is also stated that the applicants were included in the provisional list.

4. The respondents have stated that 1014 vacancies of UR were filled and 11 vacancies were kept unfilled in compliance with the interim order passed by the Hon'ble High Court. As regards, the SC, it is stated that only one vacancy was kept reserved under an interim order.

5. The respondents contend that the wait list lapsed on expiry of one year and no vacancies were available during that period. They further contend that the vacancies that arose due to return of e-dossiers of selected candidates, were also filed with the eligible candidates in the waiting list, who were more meritorious than the applicant.

6. We heard Shri Ajesh Luthra, learned counsel for the applicants, and Ms. Esha Mazumdar and Mr. Anuj Kumar Sharma, learned counsel for the respondents.

7. The selection was to quite large number of posts in the TGT (CS) and the names of the applicants figured in

the provisional list, which was almost double the size of the available vacancies. The particulars furnished in the counter affidavit would disclose that except 11 vacancies under UR and one vacancy under SC, as directed by the Hon'ble High Court, the rest of the vacancies are filled up. For OBC and ST categories, the qualified candidates were not available.



8. The respondents have also filled for the vacancies that arose on account of return of e-dossiers of certain candidates, with candidates in the waiting list, who were more meritorious than the applicants. Under these circumstances, it cannot be said that the respondents have denied the applicants their appointment.

9. We do not find any merit in the OA and the same is accordingly dismissed. Pending MA also stands disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Dsn/akshaya/