



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

O.A. No.3837/2018

With

O.A. No.3839/2018

This the 15th day of April, 2021

(Through Video Conferencing)

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

I. OA No.3837/2018

Sh. Suresh Kumar Sharma
So Sh. Dhrshan Lal
Age 37 years, Roll No. 32002318
Group B, Designation- PGT
R/o A-756, Block A, Pocket-00, Avantika
Sector 2, Rohini, Delhi-110085.

... Applicant

(through Sh. B.K. Berera, Advocate)

Versus

1. The Govt. of NCT of Delhi
Through the Chief Secretary
Delhi Secretariat, Players Building, New Delhi.

2. The Secretary
Delhi Subordinate Service Selection Board
Govt. of NCT of Delhi
FC-18, Institutional Area, Karkardooma
Delhi-110092.

3. The Secretary
Directorate of Education, Old Sectt.
Govt. of NCT of Delhi, Delhi-110054.

... Respondents

(through Sh. Anuj Kumar Sharma, Advocate)

II. OA No.3839/2018

Sh. Manish Jain,
S/o Ram Niwas Jain,
Age 36 years, Roll No.32000875
R/o G-26/213-214 FF,
Group 'B', Desi : PGT,
Sec.-3, Rohni, Delhi-85.

... Applicant

(through Sh. B.K. Berera, Advocate)

**Versus**

1. The Govt. of NCT of Delhi
Through the Chief Secretary
Delhi Secretariat, Players Building, New Delhi.

2. The Secretary
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Govt. of NCT of Delhi, Delhi-110054.

... Respondents


(through Sh. Anuj Kumar Sharma, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

Since the issues involved in both these OAs are same, they are being disposed of through a common order.

2. The Delhi Subordinate Service Selection Board (DSSSB) issued an Advertisement for the Post of Post Graduate Teacher (PGT) in Maths with Post Code No.



141/12, in the Directorate of Education - the 3rd respondent. The applicants herein are working as Trained Graduate Teacher (TGT) in the same establishment. They responded to the Advertisement and applied. Even before any decisive steps were taken in pursuance of the Advertisement, another was issued in the year 2014 for some more posts under the Post Code No. 181/14. Common written test was conducted for both the selections. The results for both the selections were declared on 10.10.2016, but separately. For the post code 141 of 2012, the last of candidate selected under the UR category was the one with 139.25 marks. For the posts with Code No. 181/14, it was the candidate who secured 98.5 marks. The results of four candidates, who were otherwise within the range of selection, were deferred for verification of certain documents.

3. The applicants contend that the respondents did not operate the wait list as provided for under the circular issued in the year 2013, and had it been operated, they would have stood a chance of being selected. It is further stated that the dossiers of three candidates were sent on 25.06.2018 and the resultant posts were required to be filled by operating the wait list.

4. The respondents filed detailed counter affidavit. The basic facts are not disputed. However, their stand is that the results were declared on 10.10.2016 and the wait list could have been operated for one year i.e., up to 09.10.2017.



They contend that the return of the dossiers of the selected candidates took place only on 25.06.2018, much after the expiry of the wait list.

5. We heard Sh. B.K. Berera, learned counsel for the applicant and Sh. Anuj Kumar Sharma, learned counsel for the respondents in detail.

6. The posts of PGT in Maths were advertised in the year 2012 as well as in the year 2014. A common written test was conducted, but the selections were held separately in respect of each of the Advertisements. The results were declared on 10.10.2016 for both the selections. The manner in which the results came to be declared is mentioned in the affidavit as under:

"The combined tier-II examination for the post of PGT (Math) was held on 28.06.2015. The marks of Tier-II examination was declared vide Notice dated 16.06.2016 and uploaded in the respective login ID of the candidates in OARS module. The applicant had scored 93.25 marks in Tier-II examination.

On the performance in Tier-II examination held on 28.06.2015, 28

candidates, including the applicant, were provisionally allowed to submit the documents for verification of documents in postcode 141/12 and 19 candidates including the applicant, in postcode 181/14.

After obtaining the documents from the candidates who were in zone of selection, the same were examined and result was declared on 10.10.2016. The Board had prepared the waitlist panel as per the board notification dated 13.06.2013 (Annexure-R1.)

In postcode 141/12, vide result notice number 433 dated 10.10.2016 result of 11 candidates (08 UR; 01-OBC; 02-SC) were declared. In the said result notice the candidatures of four candidates were kept pending for want of additional documents.

The last selected candidate in UR category in postcode 141/12 had 139.25 marks. As per notification dated 13.06.2013, Board had to draw a reserve panel/waitlist upto the extend of 10% of the posts notified, as such 01 candidate having roll number 32002255 having 133.25 marks was kept as waitlist candidate in UR category in postcode 141/12.

Similarly, the last selected candidate in OBC category in postcode 141/12 had 98.5 marks. As per notification dated Board had to draw a reserve panel/waitlist upto the extent of 10% of the posts notified, as such 01 candidate, having roll number 32002006 having 96.25 marks was kept as waitlist candidate in OBC category in postcode 141/12.

Results of the 04 candidates whose candidature was kept pending were declared vide result notice number 503 dated 27.4.17 and 608 dated 13.3.18.

Similarly in postcode 181/14, vide result notice number 431 dated 10.10.2016 result of 06 candidates (03 UR; 01 OBC; 02-SC) were



declared. In the said result notice the candidatures of three candidates were kept pending for want of additional documents. No candidates were found against the 03 ST vacancies.



The last candidate in zone of selection in UR category in postcode 181/14 had 135 marks. As per notification dated 13.06.2013 Board had to draw a reserve panel/waitlist upto the extent of 10% of the posts notified, as such 01 candidate having roll number 32002255 having 133.25 marks was kept as waitlist candidate in UR category in postcode 181/14.

Similarly, 01 candidate having roll number 32002318.i.e. the applicant was kept as waitlist candidate.

Results of the 03 candidates whose candidature was kept pending were declared vide Result Notice number 505 dated 27.4.17."

7. From a perusal of the above, it is evident that the results were declared and the selections were held. In case of, four candidates, who were very much in the zone of selection, the formal declaration was deferred pending further verification.

8. Learned counsel for the applicants has strongly argued that some of the candidates whose results were declared, were appointed only in the year 2018 and a period of one year is to be reckoned from that date.

9. In the context of operating the wait list, the principles are fairly well settled. The Selecting Agency itself stipulates the life of the wait list. In some cases, it is one year or in certain other cases, it more than one year. The DSSSB, in its circular dated 13.06.2013 stated that the life of the wait list shall be one year from the date of declaration of results.



10. The Hon'ble High Court of Delhi examined the issue and took the view that whenever the Selecting Agency publishes a supplemental result, the period of one year must be reckoned from the date of supplementary list. For example, if 204 posts are notified and in the first instance, results in respect of 175 posts are declared on 02.06.2015 and after some time, results in respect of the remaining 29 posts are declared on 05.10.2015, the period of one year is to be reckoned from the date on which the last of the select list was published i.e. 05.10.2015. In the instant case, there is no supplemental or second select list. The delay in appointing the certain candidates was on account of verification of the documents. The fact remains that they were in the zone of selection when the results were declared on 10.10.2016.

11. The plea of the applicants is that the wait list must be operated on the expiry of one year from the date on which the last of candidates joined. For a variety of reasons, a selected candidate may join at a later stage, sometimes by obtaining permission of the concerned department. That by itself would not enlarge the life of the wait list.



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

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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