

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

**O.A. No. 617/2017**

**This the 30<sup>th</sup> day of June, 2021**

(Through Video Conferencing)



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

Ms. Sushma (Gr. 'C')  
 Aged about 30 years,  
 D/o Sh. Azad Singh,  
 R/o House No.1688, Near Pooja Namkeen,  
 V&PO Mundka,  
 Delhi-110041

- Applicant

(By Advocate : Shri Harpreet Singh)

**VERSUS**

1. The GNCT of Delhi,  
 Through its Chief Secretary,  
 5<sup>th</sup> Level, Delhi Secretariat,  
 IP Estate, New Delhi
  
2. The Delhi Subordinate Services Selection Board,  
 Through its Secretary,  
 F-17, Karkardooma Institutional Area,  
 Delhi
  
3. The Directorate of Education,  
 (GNCT of Delhi)  
 Through its Director,  
 Old Secretariat, Delhi

- Respondents

(By Advocates : Mr.KM Singh, Mr. RV Sinha with Mr. Amit Sinha)

## **ORDER (Oral)**

### **Justice L. Narasimha Reddy, Chairman:**



The Delhi Subordinate Services Selection Board (DSSSB) issued a vacancy notice through advertisement No.2/12 for various posts, including Trained Graduate Teacher in Hindi (Female) for being appointed in the Directorate of Education, GNCTD. The applicant responded to the same and claimed the reservation as SC candidate. Even before any steps could be taken for the selection, another advertisement with No.7/13 was issued for the same post. The applicant responded to that also. A common examination was conducted for both the advertisements. The OMR system was introduced for the first time. In the examination, the applicant secured 89.25 marks. She was not selected against the vacancies, referable to advertisement No.2/12 on the ground that she did not stand up to the merit of other candidates.

2. As regards the advertisement No.7/13, her case was not considered on the ground that she did not fill the relevant column relating to the qualifications and thereby she was



treated as not qualified. An SC candidate with 82.75 marks was selected with reference to advertisement No.7/13. Through notice dated 27.01.2017, the respondents rejected the case of the applicant by stating that she was not qualified. This OA is filed, challenging the said rejection notice and for declaration to the effect that the applicant is qualified to be selected/appointed as TGT (Hindi).

3. The applicant contends that the OMR system was introduced for the first time in the year 2013, and on account of the some inadvertent mistakes therein, her candidature was rejected, though she secured 89.25 marks, even while selecting a candidate with 82.75 marks.

4. The respondents filed a detailed counter affidavit. According to them, the candidature of the applicant was not considered vis-à-vis the advertisement no.7/13 on account of the fact that the particulars furnished by her in the OMR sheet did not reveal that she holds the prescribed qualification.

5. Today, we heard Mr. Harpreet Singh, learned counsel for the applicant and Mr. KM Singh & Mr. RV Sinha, learned counsel for the respondents.



6. As observed earlier, two advertisements were issued in succession, being 2/12 and 7/13 for the post of TGT (Hindi). A common examination was conducted by issuing admit cards. Here itself, it needs to be mentioned that the OMR system was introduced in the year 2013. The applicant secured 89.25 marks. Though examination was held in common, the selection was made separately in respect of each advertisement. The applicant was considered against the vacancies vis-à-vis advertisement no.2/12. Since a candidate with higher marks in the SC category was available, the applicant was not selected. When it comes to the advertisement no.7/13, the respondents treated the applicant as not qualified. It needs to be noted that the eligibility criteria mentioned in both the advertisements are the same. One just cannot understand as to how a candidate can be treated as eligible in respect of one advertisement and not eligible in respect of other, when the basis is the common written test.

7. A small lapse, if any, in filling the relevant column in OMR sheet should not deny the benefit of selection to the applicant. The last candidate under SC category for



advertisement no.7/13 was the one, who secured 82.75 marks. The applicant is much ahead of that candidate. The rejection of the candidature of the applicant is totally arbitrary and illegal and the impugned rejection notice, insofar as it relates to the applicant deserves to be set aside.

Since the applicant secured 89.25 marks, more than the marks secured by the last candidate in the SC category for advertisement No.7/13, the applicant needs to be considered accordingly.

8. Hence, the OA is allowed and the impugned notice is set aside. We direct the respondents to consider the case of the applicant for selection under SC category, in respect of advertisement no.7/13. The exercise in this behalf shall be completed within a period of four weeks from the date of receipt of a copy of this order. The appointment of the applicant shall be prospective in operation. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

sunita/pj/lg/sarita