



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

OA No. 2107/2016

This the 17th day of June, 2021

(Through Video Conferencing)

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

Rahul Dabas,
S/o Sh. Karamvir Singh,
Age 23 years,
Applied for:- Post of Grade IV (DASS)/LDC,
Post Code No. 48/12 and 68/12,
Roll No. – 20012575,
R/o H. No. 237, Village Sultanpur Dabas,
Post Office Pooth Khurd, Delhi.

... Applicant

(By Advocate : Mr. Harpreet Singh and Mr. Sachin Kumar Jain)

Versus

1. Delhi Subordinate Service Selection Board,
Through its Chairmen/Secretary,
FC-18, Institutional Area,
Karkardooma, Delhi – 110092.
2. Govt. of NCT Delhi,
Through its Chief Secretary,
Delhi Secretariat, IP Estate,
Delhi – 110002.
3. Delhi Jal Board,
Through its Chairmen,
Varunala Bhawan,
Jhandewalan, New Delhi – 55.

... Respondents

(By Advocate : Mr. Amit Anand and Ms. Sakshi Popli)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The Delhi Subordinate Selection Board (DSSSB) issued advertisement in the year 2012 for the post of Gr-IV (DASS)/LDC in the Delhi Jal Board, with post code 48/12 and 68/12. The applicant was one of the candidates and he claimed the status of OBC from Delhi. A written test was conducted for this purpose and the applicant was successful therein, having secured 149.75 . Thereafter, skill test was conducted. A final list was issued by the respondents, but the name of the applicant did not appear. He went on making representations, feeling aggrieved by non-inclusion of his name in the select list. Since he did not get any reply in that behalf, he filed this OA.

2. The applicant contends that the last selected candidate under the OBC category is the one who secured 112.75 marks whereas he secured 149.75 marks , but he was not selected.

3. The DSSSB filed a counter affidavit. According to them, the selection is mostly conducted through online process and in the OMR sheets, the applicant mentioned his social status as OBC 'outside Delhi'. They submit that the OBC candidates of outside Delhi with 149.75 marks are not selected, and



accordingly, his name did not figure in the list of selected candidates.

4. The Delhi Jal Board filed a counter affidavit stating that the selection was conducted by the DSSSB and they would depend upon selection.

5. Today, we heard Shri Harpreet Singh, learned counsel for the applicant and Shri Amit Anand and Ms. Sakshi Popli, learned counsel for the respondents.

6. The basic facts are not in dispute. The applicant was one of the candidates for selection to the post of LDC in the Delhi Jal Board and the selection was undertaken by the DSSSB. In the written test, the applicant secured 149.75 marks and he claimed the status of OBC.

7. A typical situation for the selection in the Delhi Administration and other similar organizations is that, distinction is maintained between the OBC candidates hailing from Delhi on the one hand and the OBC candidates hailing from the outside Delhi, on the other hand. The applicant claims that he is an OBC from Delhi. The only basis for rejecting the case of the applicant was that he did not mention "OBC Delhi" in the OMR sheet. It needs to be mentioned that the entries are in the form of code and there is every likelihood



of mistaking the one code, for the other. What becomes material is the number of marks obtained by the candidate and his actual social status. Whatever be the nature of claim made by a candidate, the ultimate verification is at the final stage. Though much of the earlier steps are entrusted to computer, it is only the manual verification that becomes material at the end of the selection.

8. The applicant categorically stated that he is an OBC, from Delhi. This fact could have been verified from the certificates. Instead the respondents chose to throw the blame on the computer. A similar situation was dealt with by the Tribunal in the OA No.215/2017. It was directed that the actual verification was to be done at the end of the selection and the rights of the candidates shall not be defeated on hyper technical grounds. The judgment was upheld by the Hon'ble High Court. In this OA, an interim order was passed reserving one seat for the applicant.

9. We, therefore, allow the OA and direct the respondents to consider the case of the applicant treating him as an OBC candidate of Delhi, if the certificates submitted by him establish that, and to extend him the benefit of selection if any candidate in that category, with less marks than 149.75 is



selected. Process in this behalf shall be completed within a period of four weeks, from the date of receipt of copy of this order. We also direct that in the event of applicant being appointed, he shall take seniority from the date of his joining and he shall not be entitled for any benefit earlier to that date.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/rachna/ankit/lg/sd