

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

O.A. No.191/2014

Monday, this the 28th day of September, 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Dr. B. K. Sinha, Member (A)**

Usha Kumari d/o Mr. Jagdish Prased
c/o Mr. D N Sharma, H.No.47 Sec 6
Badhurgarh (Haryana)

.. Applicant

(By Advocate: Mr. M.K. Gaur for Mr. U Srivastava)

Versus

Govt. NCT Delhi through

1. The Chief Secretary
Govt. of NCT Delhi, Delhi Secretariat
New Delhi
2. The Delhi Subordinate Services Selection Board
through its Chairman
Govt. of NCT of Delhi
FC-18, Kadkardooma, Institutional Area,
Delhi-92
3. The Commissioner
North Delhi Municipal Corporation
Dr. SPM Civic Centre, Minto Road
JLN Marg, New Delhi-2
4. The Commissioner
South Delhi Municipal Corporation
Dr. SPM Civic Centre, Minto Road
JLN Marg, New Delhi-2
5. The Commissioner
East Delhi Municipal Corporation
Dr. SPM Civic Centre, Minto Road
JLN Marg, New Delhi-2

.. Respondents

(By Advocate: Mr. R K Jain for respondent No.4 – None for other
respondents)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

In response to an Advertisement No.004/09 issued by the Delhi Subordinate Services Selection Board (DSSSB), the applicant submitted application for the post of Assistant Teacher (Primary) in Municipal Corporation of Delhi under Post Code No.70/2009. When her name was not included in the list of eligible candidates, she filed the present Original Application stating therein that though she paid the examination fee, respondents have denied her admit card on the ground of 'no fee'. On 22.1.2014 when the Original Application came up for admission, this Tribunal passed the following interim order:

"Heard learned counsel for the applicant.

2. It is stated in the O.A. that although the requisite fee had been deposited for the Post Code No.70/2009, yet admit card has not been issued to the applicant on the ground that fee is not deposited. The learned counsel for the applicant also states that applicant has filed a representation, copy of which is placed as Annexure A-4, but no action and no decision has yet been taken by the respondents on the said representation. The examination is scheduled to be held on 02.02.2014.

3. Issue DASTI notice to the respondents to file reply both on the O.A. as well as on the prayer for interim relief, returnable on 05.02.2014.

4. In view of the fact that the examination is scheduled to be held very shortly, i.e. 02.02.2014, we deem it necessary to pass an interim order that the applicant be allowed to provisionally appear in the examination after issue of a provisional admit card by the respondents and the result of the examination be kept in a sealed cover which shall not be opened until further direction of the Tribunal.

5. This interim order shall remain operative till the next date, on which date both the parties would be heard on the issue of continuance of interim relief or otherwise.

Order by DASTI."

2. In implementation of the said Order, the respondent No.1 – Govt. of NCT of Delhi allowed the applicant to participate in the written examination dated 2.2.2014. However, in the counter reply filed on behalf of said respondent, it is stated that the candidature of the applicant was rejected on the ground of non-submission of fee. For easy reference, paragraph 2 of the reply is extracted hereinbelow:-

“2. The applicant Ms. Usha Kumari had applied for the post code 70/09 bearing ID No.174795. The candidature of the applicants was rejected on the ground of ‘No fee’. As such her name was not shown eligible in the list of eligible candidates which was uploaded on the website of the board.”

3. It is seen that the applicant had paid the required fee to the respondents through Indian Postal Order Nos.77 G 817245 and 817246 (pages 16 to 18 of the paper book).
4. In view of the aforementioned, the Original Application is disposed of with a direction to the respondents to declare the result of the applicant and consider her application form as valid and process her candidature in accordance with the prescribed procedure. No costs.

(Dr. B.K. Sinha)
Member (A)

September 28, 2015
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(A.K. Bhardwaj)
Member (J)