

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

OA No.1790/2017

New Delhi this the 29th day of January, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Ms. Ritu Mogha, Age 30 years
W/o Shri Prashant Kumar Grade
R/o B-80, Ambedkar Vihar
Gali No.7, Johripur Extn.
Delhi-110094.

..Applicant

(By Advocate: Shri Ajesh Luthra)

Vs.

1. Government of NCT of Delhi
Through its Chief Secretary
New Secretariat, New Delhi.

2. The Secretary
Delhi Subordinate Services
Selection Board
FC 18, Institutional Area
Karkardooma, Delhi-110092.

..Respondents

(By Advocate: Ms. Sumedha Sharma)

ORDER (ORAL)

Justice Permod Kohli:

The respondent No. 2 issued Advertisement in the year 2012 inviting applications for some posts including the post of PGT (Political Science) under Post Code No. 150/12. The applicant applied for the said post as a general category candidate. Later, another advertisement was issued by

respondent No.2 again inviting applications in the year 2014 including PGT (Political Science) under Post Code No. 176/14. The applicant again applied but as a OBC category candidate as in the meantime, she has secured the OBC certificate (Delhi). A combined examination for both the post codes was conducted by respondent No.2. The applicant participated under Rule No.34004005. She was wrongly shown as UR candidate against Post Code No.176/14. The applicant accordingly represented for correction of the admit card. But it is stated that she was ensured that needful will be done and the category of the applicant shall be amended in the admit card. Vide the Result Notice No.496, the applicant secured 137.5 marks i.e. more marks than the cut-off marks under the OBC category. The representation of the applicant dated 27.04.2017 made in this regard, has not been responded to. It is under these circumstances that the present OA has been filed seeking the following reliefs:-

"(a) Call for the complete records of the selection for Post Code-176/14 for appointment to the post of PGT (Pol Sc) Female against OBC (Delhi) category.

(b) Direct the respondents DSSSB to consider the candidature of the applicant for appointment to the post of PGT (Political Science) (Female) against OBC (Delhi) category for Post

Code:176/14 as the applicant has obtained 137.5 marks which is more than the first selected candidate and the applicant is within the zone of consideration.

(c) Direct the respondents to issue appointment order to the applicant and the applicant may be entitled for all consequential benefits accruing there from.

(d) Any other relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. A short counter affidavit has been filed by the respondents. It is stated that the representation of the applicant dated 27.04.2017 has been examined by the board and it has been decided to consider the candidature of the applicant in OBC category for Post Code No.176/14 as per the details furnished in her on-line application form. It is also stated that this fact is also mentioned in the Result Notice No.554 dated 09.10.2017. Copy of the Result Notice has also been placed on record as Annexure-A to the counter affidavit. It may be useful to refer to the relevant extract from the said Result Notice:

"In view of judgment dated 24.02.2016 in Civil Appeal No.1691 of 2016 arising out of SLP No. 27550 of 2012 in the matter of Ram Kumar Girjoya, candidature of Roll number 34004280 (Punam Devi) is being considered in postcode 150/2012, accordingly her selection in postcode 176/2014 is hereby cancelled.

In view of representation of Ms. Ritu Mogha (34004005) who claimed to belong to OBC category and having scored 137.5 marks in Tier II examination, her candidature was examined and ascertained that she had applied under OBC category in her online application. The vacancy created by cancelling the candidature of Ms. Punam Devi in OBC Category shall be considered at the time of scrutinizing the candidature of Ritu Mogha.”

3. From the above, it is evident that one Ms. Punam Devi who was selected under the OBC category against Post Code No.176/17 was not entitled to be considered in the said category and her selection has been cancelled. The said candidate was, however, eligible for Post Code No.150/12. The claim of the applicant is, thus, required to be considered for selection/appointment against the post of PGT(Political Science) against the Post Code No.176/2014. But till date the same has not been done. This Result Notice was issued on 09.10.2017. Despite an averment made in the said notice that the candidature of the applicant shall be considered against Post Code No.176/14 against the vacancy vacated by Ms. Punam Devi, no steps seems to have been taken for the formal selection/appointment of the applicant. Under the given circumstances, this OA is disposed of with a direction to respondent No.2 to complete the process of consideration of the applicant for her selection/appointment against the post of PGT(Political

Science) under Post Code No.176/14 within a period of one month and the consequential order be passed communicating the applicant accordingly. In the event the applicant is appointed, she will be given the benefit of appointment from the date the other candidates out of the said select list were appointed. The applicant shall be entitled to her seniority on the basis of her merit. She will not be entitled to the financial benefits but the pay of the applicant shall be fixed from the date other candidates are appointed.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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