

**Central Administrative Tribunal
Principal Bench**

**OA No.3649/2016
OA No.3653/2016**

New Delhi, this the 27th day of September, 2017

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

1. OA No.3649/2016

Akhil Choudhary
S/o Vijay Shankar Choudhary
D-204, Bani Park, near Pital Factory,
Jhotwara Road,
Jaipur 302016, Rajasthan.

.... Applicant.

(By Advocate, Shri Punit Jain)

Vs.

Delhi Metro Rail Corporation Limited
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road,
New Delhi 110 001.

.... Respondent.

(By Advocate, Shri R. N. Singh)

2. OA No.3653/2016

Ajay Choudhary
S/o Shri Mohar Singh Choudhary
C-67, near Joyia Market, Kanta
Khaturiya Colony,
District Bikaner,
Rajasthan.

.... Applicant.

(By Advocate, Shri Punit Jain)

Vs.

Delhi Metro Rail Corporation Limited
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road,
New Delhi 110 001.

.... Respondent.

(By Advocate, Shri R. N. Singh)

: O R D E R (ORAL) :

Justice Permod Kohli :

The facts and issues in both these Applications being identical in nature, they are being disposed of by this common order.

2. The applicant in OA No.3649/2016 is a resident of Bani Park, near Pital Factory, Jhotwara Road, Jaipur, whereas applicant in OA No.3653/2016 is a resident of Khaturia Colony, Bikaner, Rajasthan. They belong to Jat community, and on that basis claim to be member of OBC category as notified by the Central Government vide Notification No.12011/68/98-BCC dated 27.10.1999. The relevant entry reads as under:

“(13) STATE: RAJASTHAN: CENTRAL LIST OF OBCs		
S.No.	Old Entry	New Entry
.....
13.	Nil	58. Jat (except in Bharatpur & Dhaulpur Districts)”

3. The respondent is a Government Corporation. An advertisement was issued by the respondent on 24.10.2015 for recruitment to various posts of Executive and Non-Executive categories in the respondent corporation. The applicants applied for the post of Customer Relations Assistant (CRA) in the Non-Executive category. Vide notification dated 04.03.2016 issued by the respondent, advertised vacancies were revised from 176 to 264. On their respective applications, applicant in OA No.3649/2016 was allotted Roll No.5740345791 and applicant in OA No.3653/2016 was

allotted Roll No.6020361948. They participated in the written examination held on 01.05.2006. The result of the said examination was declared on 05.07.2016 and the applicants successfully qualified the same. They were called for further Psychometric test held on 20.07.2016. They were declared successful in the said test vide notice dated 12.08.2016. The applicants submitted their documents for verification on 05.10.2016 along with their OBC certificates dated 13.07.2016 issued by the competent authority. They were also required to appear in the medical examination which was scheduled to be held on 06.10.2016.

4. It is alleged that during the document verification, the applicants were asked not to attend the last segment of selection process, i.e., medical examination scheduled to be held on 06.10.2016 on the ground that they do not belong to OBC category. The applicants made separate representations dated 06.10.2016 claiming that they belong to OBC category in terms of Government of India's Notification dated 27.10.1999. The applicants also mentioned that the judgment in case of *Ram Singh and others vs. Union of India* [(2015 (4) SCC 697)] relied upon by the respondents has no application to the case of applicants. The said representations of the applicants are still pending before the respondents. It is under these circumstances that the applicants have filed the present Original Applications.

5. In the counter affidavit filed by the respondents on 26.07.2017, it is stated that the OA is premature as the representations of the applicants are still under consideration of the respondents. It is further stated that the applicants have been considered as general category candidates and were evaluated as such. Since they could not find place in the merit list, they were not selected under the general category. It is further the case of the respondents that the applicants cannot be considered as OBC candidates in terms of the judgment of Apex Court in *Ram Singh* (supra).

6. The respondents have also referred to OA No.4214/2015 [Vivek Kumar vs. DMRC] decided on 03.12.2015, wherein it was held that the Jats of Rajasthan cannot be taken as belonging to OBC. It is, however, admitted by the respondents that the aforesaid decision has been set aside by the Hon'ble High Court vide judgment dated 28.03.2017 passed in W.P. (C) No.1751/2016 holding that in case of *Ram Singh* (supra), the Apex Court struck down the Notification dated 04.03.2014 and not the earlier Notification dated 27.10.1999.

The operative part of the judgment reads as under:-

“Therefore, OBC category candidates from the State of Rajasthan except from Bharatpur and Dholpur districts are to be given the status of OBC candidates and accordingly conferred, benefits of OBC reservation.”

The decision in *Ram Singh's* case (supra) was approved by the Hon'ble Supreme Court on the basis of the affidavit filed by the

Union of India. The aforesaid decision of the Apex Court has been implemented by the respondents vide order dated 11.07.2017. The relevant part of the said order reads as under:-

“In view of the categorical pronouncement of the Hon’ble High Court, which view is further fortified by the decision of the Union of India, holding that the Jats in the state of Rajasthan except for Bharatpur and Dholpur districts continue to remain in the Central List of OBCs, DMRC has decided to act in terms of the Order, dated 28.03.2017, passed by the Hon’ble High Court of Delhi in WP (C) No.1751/2016, titled as Shri Vivek Kumar Vs. DMRC. In all future recruitments and in case of pending matters before the Hon’ble Central Administrative Tribunal, wherein reservation for OBC is provided, the candidature of Jats from the state of Rajasthan, except for Bharatpur and Dholpur districts, shall be treated as eligible OBCs for reservation purposes, without any further reference.

This issues with the approval of the Competent Authority.”

7. It is thus admitted case of the parties that the applicants belong to OBC category being Jats from State of Rajasthan. The only exceptions for the Jats of Rajasthan who do not fall in the OBC category are those who are from Bharatpur and Dholpur Districts. As noticed above, the applicants belong to Jaipur and Bikaner Districts of Rajasthan and thus they come within OBC category, as notified by the Government of India vide notification dated 27.10.1999. The respondents have wrongly denied consideration to the applicants under the OBC category.

8. These OAs are accordingly allowed. Respondents are directed to treat the applicants as OBC category candidates (Jats of Rajasthan)

and accord them consideration in the said category for their selection/appointment for the posts of Customer Relation Assistant. Since they have qualified the written test, as also the Psychometric test, they may be considered for final selection/appointment on the basis of their merit in the said category within a period of two months from the date of receipt of certified copy of this order.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/