

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O.A.NO.4235 OF 2012**

**New Delhi, this the 12<sup>th</sup> day of January,2016**

**CORAM:**

**HON'BLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER  
&  
HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER**

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Sonia Kumari,  
w/o Shri Gaurav Malik,  
r/o A-33, Masoodpur Village,  
Vasant Kunj,  
New Delhi-70

(By Advocate: Shri Ranjit Sharma)

Vs.

1. The Secretary,  
The Delhi Subordinate Services Selection Board,  
FC 18, Institutional Area,  
Karkardooma,  
Delhi-92
2. Director of Education,  
Government of Delhi,  
1, Sham Nath Marg, Delhi

(By Advocate: Shri B.N.P.Pathak for R-1)

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**ORDER****RAJ VIR SHARMA, MEMBER(J):**

The applicant has filed the present O.A. seeking the following reliefs:

- ñi) direct the respondents to produce the record of result of part-I test of candidates in pursuance of advertisement no.001/2010 for recruitment to various posts in TGT category and shortlist the name of the Applicant for part-II descriptive assessment in the OBC category.
- ii) pass such other order/s as may be deemed fit & proper.º

2. We have carefully perused the O.A. and Rejoinder Reply filed by the applicant, and the Counter Reply and Additional Affidavit filed by respondent No.1-Delhi Subordinate Services Selection Board (hereinafter referred to as the :-DSSSBº). We have heard Shri Ranjit Sharma, the learned counsel appearing for the applicant, and Shri B.N.P.Pathak, the learned counsel appearing for respondent No.1-DSSSB.

3. It is the case of the applicant that the DSSSB issued Advertisement No.001/2010 (hereinafter referred to as the :-Advertisementº) inviting applications from eligible persons for recruitment to different posts in the Directorate of Education, Government of NCT of Delhi. The posts to which recruitment was sought to be made through the Advertisement were given different Post Codes. Post Code 10/10 related to the post of TGT-Social Science (Female). In total 102 [Gen-51, SC-16, ST-9, OBC-26 (including OH-1, VH-1 and HH-1)] vacancies in the post of TGT-Social Science (Female) º Post Code 10/10 were notified in the Advertisement. In response to the Advertisement, the applicant submitted her application as an

OBC candidate. She appeared in Part I Preliminary Examination (Objective Type) and Part II Main Examination (Descriptive Type) conducted by the DSSSB. The DSSSB, vide office order No.290, dated 24.8.2012, published the result notice of Part I Preliminary Examination (Objective Type) wherein she was provisionally shortlisted for evaluation of her answer sheets in Part II Main Examination (Descriptive Type). Thereafter, the DSSSB issued office order No.295, dated 3.9.2012, stating that certain errors had crept in the result notice of Part I Preliminary Examination (Objective Type) published vide office order No.290, dated 24.8.2012, and that for rectifying the errors, the Part I Preliminary Examination (Objective Type) result was being reprocessed, and the revised result of Part I Preliminary Examination (Objective Type) would be declared soon. Thereafter, the DSSSB, vide office order No.298 dated 27.9.2012 published the revised result notice wherein her roll number did not find mention. It is stated by the applicant that as per the stipulation contained in Section B of the Advertisement, *ibid*, the minimum qualifying marks for Part I Preliminary Examination were 40% for General Category candidates, and 30% for Reserved Category candidates, subject to maximum 10(ten) times the number of vacancies. On enquiry, she came to know that the DSSSB, while publishing the result notice dated 24.8.2012, fixed the cut-off marks of 37 for female candidates belonging to reserved categories, and provisionally shortlisted 310 candidates. She also came to know that the DSSSB, while publishing the revised result notice dated 27.9.2012, fixed the cut-off marks of 39 for

female candidates belonging to reserved categories, and provisionally shortlisted 310 candidates for Post Code 10/10. The applicant, therefore, contends that when she was provisionally included in the result notice dated 24.8.2012, *ibid*, because of her having scored the cut-off marks of 37 or more marks, and when the cut-off marks were increased to 39 marks as per the revised result notice dated 27.9.2012, the total number of shortlisted candidates for Post Code 10/10 ought to have been reduced to less than 310 candidates. Instead, the number of candidates shortlisted in the revised result notice dated 27.9.2012 remained the same as in the result notice dated 24.8.2012 for Post Code 10/10. This, according to the applicant, shows that the result notice dated 24.8.2012 was revised by respondent no.1-DSSSB without any rhyme or reason, and she was illegally declared to have not qualified in Part I Preliminary Examination (Objective Type) and, as a consequence, her roll number did not find mention in the revised result notice dated 27.9.2012 for Post Code 10/10.

4. Respondent No.1-DSSSB has emphatically asserted, *inter alia*, that soon after publication of the result notice of Part I Preliminary Examination (Objective Type), vide office order No.290, dated 24.8.2012, it was found that the candidates who had applied for two Post Codes were shortlisted for only one Post Code, instead of both Post Codes, although they had scored more marks than the last shortlisted candidate of the other Post Code. Therefore, the result of Part I Preliminary Examination (Objective Type) was reprocessed, and the revised result notice dated 27.9.2012 was

published. Due to inclusion of more number of candidates in the lists of shortlisted candidates for the Post Codes, for which they applied, on the basis of marks scored by them in Part I Preliminary Examination (Objective Type), the cut-off marks were increased for some of the Post Codes in the revised result notice, and such increase in the cut-off marks took place in respect of Post Code 10/10 for which the applicant was a candidate. The respondent No.1-DSSSB has asserted that 43 marks (out of 100 marks) were the cut-off marks for OBC candidates in Part I Preliminary Examination (Objective Type) for Post Code 10/10. Having scored 40 out of 100 marks in Part I Preliminary Examination, the applicant was not shortlisted for evaluation of her answer sheets in Part II Main Examination.

5. The applicant has not rebutted the above assertions made by the respondent No.1-DSSSB.

6. After having given our anxious consideration to the facts and circumstances of the case, and the rival contentions, we do not find any substance in the contentions of the applicant. The candidates, who were eligible, and applied for more than one Post Codes, were entitled to be shortlisted for more than one Post Codes, on the basis of their marks in Part I Preliminary Examination (Descriptive Type), for evaluation of their answer sheets in Part II Main Examination (Descriptive Type) for those Post Codes. The inclusion of those candidates in the list of shortlisted candidates for only one of the Post Codes, and their exclusion from the list of shortlisted candidates for the other Post Code(s) as per the result notice published vide

office order No.290 dated 24.8.2012, in spite of their obtaining more marks than the last shortlisted candidates for the other Post Code(s), were certainly unsustainable in law. Therefore, the respondent No.1-DSSSB was fully justified in rectifying the said patent error and in publishing the revised result notice dated 27.9.2012. As a consequence, the cut-off marks of 40 for OBC candidates (earlier fixed by the respondent No.1-DSSSB while publishing the result notice dated 24.8.2012) got increased to 43 marks for OBC candidates in respect of the Post Code 10/10 as per the revised result notice dated 27.9.2012. Since 310 candidates were shortlisted for Post Code 10/10 for evaluation of their answer sheets in Part II Main Examination (Descriptive Type), and the last shortlisted OBC candidate for the Post Code 10/10 scored 43 marks as per the revised result notice dated 27.9.2012, the applicant, who scored 40 marks in Part I Preliminary Examination (Objective Type), cannot be said to have any grievance against the revised result notice dated 27.9.2012. Therefore, we do not find any merit in the O.A.

7. Resultantly, the O.A. is dismissed. No costs.

**(RAJ VIR SHARMA)**  
**JUDICIAL MEMBER**

**(SUDHIR KUMAR)**  
**ADMINISTRATIVE MEMBER**