

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.4520/2014

M.A.No.217/2016

M.A.No.293/2016

Order Reserved on: 08.02.2016

Order pronounced on 15.02.2016

Hon'ble Shri V. Ajay Kumar, Member (J)

Hon'ble Shri Shekhar Agarwal, Member (A)

1. Ms. Sunita, Age 35 years
D/o Sh. Randhir Singh
R/o B-81, Vikas Nagar Extension
Near Rajdhani Public School
Shukr Bazar Road,
Uttam Nagar
New Delhi – 110 059.
2. Ms. Neerja, aged – 32 years
W/o Sh. Nitin Sharma,
R/o 1164/A-15, Raghuvir Enclave
Najafgarh,
New Delhi – 110 043.
3. Mr. Satyajeet, aged – 29 years
S/o Sh. Devender Singh
R/o Gali No.6, Dharam Vihar
Bahadurgarh, Distt. Jhajjar (Haryana).
4. Mr. Mahendera Kumar Sharma, aged – 26 years
S/o Sh. Ram Kripal Sharma
R/o Village Khemala P.O. Hasampur
Teh. Neem Ka Thana Distt. Sikar
Rajasthan – 332718.

5. Ms. Rashmi, aged – 27 years
D/o Sh. Daya Kishan
R/o H.No.319, Vill. Ranhoula
P.O. Nangloi,
New Delhi – 110 041.
6. Ms. Randeepa, aged-27 years
W/o Sh. Shamsheer
D/o Sh. Joginder Singh
R/o 3671, Sec.9A Bahadurgarh
Distt. Jhajjar, Haryana-124507.
7. Ms. Renu, aged-29 years
W/o Sudhir Vats
R/o 1686/2, Todar Mal Colony
Paprawat Road
Najafgarh
New Delhi – 110 043.
8. Ms. Reena Devi, aged 29 years
D/o Sh. Rajender Singh
R/o H.No.52, Shivpuri
Samaypur,
Delhi – 110 042.
9. Ms. Soni, aged – 28 years
D/o Sh. Sardar Singh
R/o H.No.272/161,
Near Khation Wali Chaupal
Bankner, Narela
Delhi – 110 040.
10. Ms. Rajni Bala, Aged-32 years
W/o Sh. Jaideep
D/o Sh. Pyare Lal Shokeen
RZ-39, C Block, Part-2
Roshan Vihar
Najafgarh
Delhi – 110 043.

11. Ms. Seema, Aged 31 years
W/o Sh. Satyajeet
R/o Gali No.6, Dharam Vihar
Bahadurgarh, Distt. Jhajjar (Haryana).
12. Ms. Soni Saxena, aged – 39 years
D/O Narendra Narayan Saxena
R/O 612, Block 14, DGERC, Sec-3
Dwarka, New Delhi.
13. Mr. Vikash Drail, aged 28 years
S/o Sh. Samandar Singh Drall
R/o V & PO Neelwal, Tikri Kalan
Delhi – 110 041.
14. Mr. Mukesh Kumar Meena, aged 28 years
S/o Sh. Ram Dhan Meena
R/o V & PO Toda Nagar
Tehsil Laxman Garh, Distt. Alwar
Rajsthan – 301 413.
15. Ms. Rekha Rani, Aged 30 years
W/o Sh. Neeraj Rana,
R/o H.No.1056, Gali Bhorowali
Najafgarh, New Delhi – 110 043. ... Applicants

(By Advocate: Sh. Yogesh Sharma)

Versus

1. Govt. of NCT of Delhi
Through Chief Secretary
Secretariat
I.P.Estate,
New Delhi – 110 002.
2. The Chairman
Delhi Subordinate Service Selection Board
FC-18, Institutional Area
Karkardooma
New Delhi-110 092. ... Respondents

(By Advocate: Shri K.M.Singh)

ORDER

By V. Ajay Kumar, Member (J):

Heard the learned counsel for both sides and carefully perused the pleadings on record.

2. M.A.No.293/2016, filed praying to take the copy of the Judgement dated 18.12.2015 in OA No.4445/2014 on record, is allowed.

3. The applicants, whose candidatures were rejected by the Respondent-DSSSB, Govt. of NCT of Delhi, for selection to TGT (Hindi) Female, advertised vide Advertisement No.01/2013, filed the present OA questioning the said rejection.

4. Relevant particulars of the applicants are as under:

Name of the applicant	Advertisement No.	Post Code No.	Name of the post	Reasons for rejection
Ms. Sunita	01/2013	09/13	TGT (Maths) Female	Not having the requisite qualification as on closing date
Ms. Neerja	01/2013	05/13	TGT (English) Female	Not having the requisite qualification as on closing date
Mr. Satyajeet	01/2013	12/13	TGT (Social Science) Male	Not having the requisite qualification as on closing date

Mr. Mahendera Kumar Sharma	01/2013	06/13	TGT (Hindi) Male	Not having the requisite qualification as on closing date
Ms. Rashmi	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date
Ms. Randeepa	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date
Ms. Renu	01/2013	13/13	TGT (Social Science) Female	Not having the requisite qualification as on closing date
Ms. Reena Devi	01/2013	15/13	TGT (Sanskrit) Female	Not having the requisite qualification as on closing date
Ms. Soni	01/2013	09/13	TGT (Maths) Female	Not having the SAV Certificate as on closing date
Ms. Rajni Bala	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date
Ms. Seema	01/2013	13/13	TGT (Social Science) Female	Not having the requisite qualification as on closing date
Ms. Soni Saxena	01/2013	11/13	TGT (Natural	Not having the

			Science) Female	requisite qualification as on closing date
Mr. Vikash Drall	01/2013	10/13	TGT (Natural Science) Male	Not having the requisite qualification as on closing date
Mr. Mukesh Kumar Meena	01/2013	14/13	TGT (Sanskrit) Male	Not having the requisite qualification as on closing date
Ms. Rekha Rani	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date

5. It is submitted on behalf of the applicants that they are possessing all the essential qualifications, as required under the Advertisement No.1/2013 and hence, the rejection of their candidature is illegal.

6. This Tribunal, while issuing notices in the OA, directed the respondents to permit the applicants to appear in the examination, provisionally, subject to outcome of this OA vide order dated 22.12.2014. Consequently, the applicants were allowed to appear in the examination.

7. It is the stand of the respondents in the OA that the verification of the certificates pertaining to the essential qualifications would be done at the time of appointment only,

i.e., after the applicants successfully cleared the examination. The respondents are using the OMR Technology in respect of the application for the examination. The candidate is required to bubble the relevant Columns correctly as per the instructions issued vide the said Advertisement. If the candidate fails to bubble the required slots indicating his/her essential qualifications and other details, the OMR Technology rejects the candidature.

8. The applicants along with their OA filed the copies of the Certificates in proof of their possessing the essential qualifications as required under the said Advertisement.

9. The respondents, during the course of the final arguments, have produced copies of the relevant OMR sheets of the applicants to show that they failed to bubble the required slots in the OMR Sheet.

10. Heard the learned counsel for both sides and carefully perused the copy of the OMR sheets of the applicants and also the copies of the certificates filed by the applicants along with their OA. It reveals that though the applicants are possessing the essential qualifications as required under the Advertisement, as on the closing date of receipt of the application, but in view of either not bubbling the relevant Columns or in misunderstanding the instructions of the advertisement, the respondents rejected their candidature.

11. It is well settled that applications or candidatures or selections normally shall not be rejected by the authorities, basing on the minor mistakes committed by the youngsters in filing up the application forms or in the examinations, if otherwise, they establish their identity and that they are qualified and eligible for consideration of their cases by furnishing the documents in proof of the same.

12. This Tribunal disposed of a batch of OAs bearing OA No.4445/2014 (**Neha Nagar v. Delhi Subordinate Services Selection Board & Others**), decided on 18.12.2015 and OA No.4583/2014 (**Santosh v. Delhi Subordinate Services Selection Board & Anr.**), decided on 30.10.2015 (pertaining to same notification), after considering a catena of cases whereunder the Courts held that the indiscretions committed by the youngsters while filling the OMR Sheets, etc. shall be condoned and that their candidatures should be considered on merits along with others. Since the present OA is also identical, we are disposing of this OA on the same lines.

13. In view of the above legal position and in view of the fact that the applicants were already permitted to take the examination provisionally by virtue of the interim orders dated 22.12.2014 and their results are yet to be declared by the respondents, we are of the considered view that the ends of justice would be met if the respondents are directed to declare

the results of the applicants and to consider their cases along with others as per their merit, after verifying their qualifications or otherwise satisfying themselves with their suitability, in accordance with law, within four weeks from the date of receipt of a copy of this order. The OA and MA No.217/2016 are disposed of, accordingly. No costs.

Issue by DASTI.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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