Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.4558/2014
M.A.No.5/2016

Order Reserved on: 22.02.2016
Order pronounced on 24.02.2016

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

Ms. Suman
D/o Sh. Balraj Singh
R/o H.No.1667, Ward No.06
Ramgopal Colony
Rohtak Haryana 124001
(Aged 26 years)
Candidate towards
the post of TGT (English) Female ... Applicant

(By Advocate: Sh. Ajesh Luthra)

Versus

1. Govt. of N.C.T. of Delhi
   Through the Chief Secretary
   5th Floor, Delhi Sachivalaya,
   New Delhi.

2. Delhi Subordinate Services Selection Board
   Through its Chairman
   Govt. of NCT of Delhi
   F-18, Karkardooma,
   Institutional Area
   Delhi-92.

3. Directorate of Education
   Through its Director
   (GNCT of Delhi)
   Old Secretariat, Delhi-54 .. Respondents

(By Advocate: Mr. Amit Anand)

O R D E R

By V. Ajay Kumar, Member (J):

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

2. The applicant, whose candidature was rejected by the Respondent-DSSSB, Govt. of NCT of Delhi, for selection to TGT (English) Female, advertised vide Advertisement No.01/2013, filed the present OA questioning the said rejection.

3. Relevant particulars of the applicant are as under:

Advertisement No.	Post Code No.	Name of the post	Reasons for rejection
01/2013	5/13	TGT (English) Female	Not having the requisite qualification as on closing date

4. It is submitted on behalf of the applicant that she is possessing all the essential qualifications, as required under the Advertisement No.1/2013 and hence, the rejection of her candidature is illegal.

5. This Tribunal, while issuing notices in the OA, directed the respondents to permit the applicant to appear in the examination, provisionally, subject to outcome of this OA. Consequently, the applicant was allowed to appear in the examination.

6. 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 applicant

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 her essential qualifications and other details, the OMR Technology rejects the candidature.

7. The applicant along with her OA filed the copies of the Certificates in proof of her possessing the essential qualifications as required under the said Advertisement.

8. The respondents' counsel produced a copy of the relevant OMR sheet of the applicant to show that she failed to bubble the required slots in the OMR Sheet.

9. Heard the learned counsel for both sides and carefully perused the copy of the OMR sheet of the applicant and also the copies of the certificates filed by the applicant along with her OA. It reveals that though the applicant is 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 her candidature.

10. 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.

11. 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.

12. In view of the above legal position and in view of the fact that the applicant was already permitted to take the examination provisionally by virtue of the interim orders dated 22.12.2014 and her 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 applicant and to consider her case along with others as per her merit, after verifying her qualifications or otherwise satisfying themselves with her suitability, in accordance with law, within four weeks from the date of

receipt of a copy of this order. The OA is disposed of, accordingly. No costs. Accordingly, the MA No.5/2016 is also disposed of.

Issue by DASTI.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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