

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.4576/2014
M.A.No.4522/2015
M.A.No.4523/2015
M.A.No.4524/2015
M.A.No.4525/2015

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. Harita Rani
Serial No.434
Bar Cade/ID No.121700
Post Code No.07/13
Aged about 33 years
D/o Sh. Jai Bhagwan Sharma
R/o 87, Friends Enclave
Sultan Puri, Delhi-86.

2. Sunita
Serial No.2023
Bar Cade/ID No.106096
Post Code No.07/13
Aged about 29 years
D/o Sh. Mange Ram Garg
R/o WZ-427/C, Sri Nagar
Sakur Basti, Delhi-34.

3. Monika (OBC)
Serial No.890
Bar Cade/ID No.130276
Post Code No.07/13
Aged about 35 years
W/o Sh. Sanjay Goswami

R/o 17/66, New Rohtak Road
Than Singh Nagar
Anand Parbat,
New Delhi-5.

4. Dimple Sharma OBC)
Serial No.367
Bar Cade/ID No.124475
Post Code No.07/13
Aged about 28 years
D/o Sh. Mohan Bir Sharma
R/o A-425, Street No.1, Meet Nagar
Near 28 feet Road, Delhi-94.

5. Komal
Serial No.199
Bar Cade/ID No.12345
Post Code No.15/13
Aged about 28 years
D/o Sh. Rajesh Kumar
R/o Y-316/17, Camp No.1
Nangloi, Delhi-41.

6. Shiv Sakati Sain (OBC)
Serial No.1626
Bar Cade/ID No.156386
Post Code No.12/13
Aged about 27 years
S/o Sh. Ramendra Prasad Sain
R/o VPO: Mau, Tehsil: Shrimadhopur
Distt: Sikar, Rajasthan.

7. Avinash Narayan Rao
Serial No.265
Bar Cade/ID No.197868
Post Code No.12/13
Aged about 32 years
S/o Sh. Badri Narayan Rao
R/o 151/III SPG Complex
Dwarka Sector-9
New Delhi – 110 077.

8. Chandra Kala
 Serial No.308
 Bar Cade/ID No.105296
 Post Code No.07/13
 Aged about 23 years
 D/o Sh. Mohan Singh
 R/o 121/07, Sector-21
 Rohini, Delhi-86.

9. Virender Kumar
 Serial No.1902
 Bar Cade/ID No.15.4146
 Post Code No.12/13
 Aged about 31 years
 S/o Sh. Om Pal Singh
 R/o VPO: Bamnauli
 Distt: Bagpat, UP. Applicants

(By Advocate: Mr. Anil Singal)

Versus

1. Govt. of NCT of Delhi
 Through Chief Secretary
 Delhi Secretariat
 IP Estate,
 New Delhi.
2. Delhi Subordinate Services Selection Board
 Through its Chairman
 FC-18, Institutional Area
 Karkardooma
 Delhi-92.
3. Municipal Corporation of South Delhi
 Through its Commissioner
 Jawahar Lal Nehru Marg
 Civic Centre, New Delhi.
4. East Delhi Municipal Corporation
 Through its Commissioner

Udyog Bhawan, Institutional Area
Patpar Ganj, Delhi.

5. North Delhi Municipal Corporation
Through its Commissioner
Jawahar Lal Nehru Marg
Civic Centre
New Delhi. ... 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. M.A.No.4022/2014, filed under Rule 4(5) of the CAT (Procedure) Rules, 1987 for joining together, was already allowed vide Order dated 22.12.2014.

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
Harita Rani	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date
Sunita	01/2013	07/13	TGT	Incomplete

			(Hindi) Female	or illegible or incorrectly filled up application
Monika (OBC)	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date
Dimple Sharma (OBC)	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date
Komal	01/2013	15/13	TGT (Sanskrit) Female	Not having the requisite qualification as on closing date
Shiv Sakati Sain (OBC)	01/2013	12/13	TGT (Social Science) Male	Not having the requisite qualification as on closing date
Avinash Narayan Rao	01/2013	12/13	TGT (Social Science) Male	Incomplete or illegible or incorrectly filled up application
Chandra Kala	01/2013	07/13	TGT (Hindi) Female	Not having the requisite qualification as on closing date
Virender Kumar	01/2013	12/13	TGT (Social Science) Male	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 MAs No.4222, 4223, 4224 and 4225 of 2015 are disposed of, accordingly. No costs.

Issue by DASTI.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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