

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.4588/2014
with
O.A.No.4589/2014
O.A.No.4590/2014
O.A.No.4614/2014
O.A.No.4617/2014

Order Reserved on: 16.12.2015
Order pronounced on 18.12.2015

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K.Sinha, Member (A)

O.A.No.4588/2014:

Pinki, age 24 years
D/o Sh. Ramesh Kumar
R/o 67-B, Indraaj Colony
Bawana,
Delhi – 110 039.

... Applicant

(By Advocate: Sh. Sachin Kumar Jain)

Versus

1. Delhi Subordinate Service Selection Board
Through its Secretary
FC-18, Institutional Area
Karkardooma
Delhi – 110 092.

2. Govt. of NCT Delhi
Directorate of Education
Old Pattachor Building, Lucknow Road,
Timar Pur, Delhi-110 054. .. Respondents

(By Advocate: Ms. Sangita Rai)

O.A.No.4589/2014:

Dalbir, age 27 years

S/o Sh. Jogi Ram

House No.246, Chpra Patti

V.P.O.Belarkha, Tehsil Narwana

District Jind, Haryana.

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Applicant

(By Advocate:Sh. Sachin Kumar Jain)

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2. Govt. of NCT Delhi

Directorate of Education

Old Pattachor Building, Lucknow Road,

Timar Pur, Delhi-110 054.

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Respondents

(By Advocate: Shri Sangita Rai)

O.A.No.4590/2014:

Virendra Singh, Age 31 years

S/o Sh. Mahendra Singh

R/o Village Mundota, Post Rabriyad

Tehsil Parbatsar

District Nagour

Rajasthan.

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Applicant

(By Advocate:Sh. Sachin Kumar Jain)

Versus

1. Delhi Subordinate Service Selection Board

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Karkardooma

Delhi – 110 092.

2. Govt. of NCT Delhi
Directorate of Education
Old Pattachor Building, Lucknow Road,
Timar Pur, Delhi-110 054. .. Respondents

(By Advocate: Shri Sangita Rai)

O.A.No.4614/2014:

Neeraj Kumar, Age 32 years
S/o Sh. Haricharan Ram
R/o D-2/92, Nand Nagari
Delhi – 110 093. ... Applicant

(By Advocate:Sh. Sachin Kumar Jain)

Versus

1. Delhi Subordinate Service Selection Board
Through its Secretary
FC-18, Institutional Area
Karkardooma
Delhi – 110 092.

2. Govt. of NCT Delhi
Directorate of Education
Old Pattachor Building, Lucknow Road,
Timar Pur, Delhi-110 054. .. Respondents

(By Advocate: Shri Sangita Rai)

O.A.No.4617/2014:

Kalpana Prajapati, age 28 years
D/o Ganga Sahay
R/o II Floor, B-5,
Gali No.4, East Arjun Nagar
Karkardooma, Shahadra
Delhi – 110 032. ... Applicant

(By Advocate:Sh. Sachin Kumar Jain)

Versus

1. Delhi Subordinate Service Selection Board
Through its Secretary
FC-18, Institutional Area
Karkardooma
Delhi – 110 092.

2. Govt. of NCT Delhi
Directorate of Education
Old Pattachor Building, Lucknow Road,
Timar Pur, Delhi-110 054. .. Respondents

(By Advocate: Shri Sangita Rai)

ORDER

By V. Ajay Kumar, Member (J):

Heard both sides.

2. Since the facts and issues involved in all the OAs, 5 in number, are common, they are being disposed of by way of this common order.
3. The applicants, whose candidature was rejected by the Respondent-DSSSB, Govt. of NCT of Delhi, for selection to various posts, advertised vide Advertisement No.01/2013, filed the aforesaid OAs questioning the said rejection.
4. Relevant individual particulars of the applicants are as under:

| O.A.No. And name of the applicant | Advertisement No. | Post Code No. | Name of the post | Reasons for rejection |
|--|----------------------|------------------|-----------------------------|---|
| 4588/2014 (Pinki) | 01/13 | 07/13 | TGT (Hindi) - Female | Not having the requisite qualifications as on closing date. |
| 4589/2014 (Dalbir) | 01/13 | 14/13 | TGT (Sanskrit) - Male | Not having the requisite qualifications |

| | | | | |
|----------------------------------|-------|-------|---------------------------------|---|
| | | | | as on closing date. |
| 4590/2014 (Virendra Singh) | 01/13 | 10/13 | TGT (Natural Science) – Male | Not having the requisite qualifications as on closing date. |
| 4614/2014 (Neeraj Kumar) | 01/13 | 06/13 | TGT (Hindi) – Male | Not having the requisite qualifications as on closing date. |
| 4617/2014 (Kalpana Prajapati) | 01/13 | 15/13 | TGT (Sanskrit) – Female | Not having the requisite qualifications as on closing date. |

5. It is submitted on behalf of the applicants that all of them 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 OAs, directed the respondents to permit the applicants to participate in the selection process, provisionally, however, directed not to declare their results without leave of this Court. Consequently, all the applicants were allowed to participate in the process of selection.

7. It is the stand of the respondents in all the OAs 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 applications for the

examination. The candidates are required to bubble the relevant Columns correctly as per the instructions issued vide the Advertisement. If the candidates fail to bubble the required slots indicating their essential qualifications and other details, the OMR Technology rejects the candidature.

8. All the applicants either along with the Original Applications or with their rejoinders filed the copies of the Certificates in proof of their possessing the essential qualifications as required under the said Advertisement.

9. The respondents on their part, produced the copies of the respective OMR sheets of all the applicants to show that the applicants failed to bubble the required slots in the OMR Sheet.

10. Heard the learned counsel for both sides and carefully perused the copies of the OMR sheets of the applicants and also the copies of the certificates filed by the applicants. 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 applications, 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 filling up the application

forms or in the competitive 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. In this regard, some of the decisions are mentioned below:

- a) **Commissioner of Police & Others v. Sandeep Kumar**, (2011) 4 SCC 644.
- b) Delhi Subordinate Services Selection Board and Anr. V. Neeraj Kumar and Anr. in WP(C) 1004/2012 and CM 2212/2012 dated 24.02.2012 of the Hon'ble High Court of Delhi.
- c) Rohit Kumar v. Union of India & Anr. in CWP No.13730/2012 dated 27.07.2012 of the Hon'ble High Court of Punjab and Haryana at Chandigarh.
- d) Anil Kumar v. State of Rajasthan & Ors., S.B.Civil Writ Petition No.657/2012 dated 02.01.2013 of the Hon'ble High Court of Judicature for Rajasthan at Jodhpur.
- e) OA No.2063/2012 [Ravindra Malik v. Staff Selection Commission & Others] decided on 13.02.2013 of the Principal Bench of the CAT.
- f) OA No.1802/2012 [Arvind Kumar Kajla v. UOI & Others] decided on 30.10.2013 of the Principal Bench of the CAT.
- g) Subhanta Devi v. State of Rajasthan, S.B. Civil Writ Petition No.11269/2011, dated 13.05.2014 of the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur.
- h) OA No.1966/2013 [Ms. Deepika & Anr. v. Govt. of NCT of Delhi & Others] and batch, decided on 02.07.2014 of the Principal Bench of the CAT.

12. This Tribunal, today, disposed of a batch of OAs bearing OA No.4445/2014, etc. (**Neha Nagar v. Delhi Subordinate Services Selection Board & Others**), 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 OAs are also identical, we are disposing of them 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 28.12.2014 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 his/her 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. All the aforesaid OAs are disposed of, accordingly. No costs.

Issue by DASTI.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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