

**Central Administrative Tribunal
Principal Bench**

OA No.4624/2014

New Delhi, this the 24th day of February, 2016

Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)

Ms. Geeta Solanki,
D/o Shri Ramphool Solanki,
R/o Flat No.10, Sector-18,
Rohini Jail Residential Complex,
Dehi.

Candidate towards the post of TGT (Hindi) (Female) aged about 33 years.

...applicant

(By Advocate : Shri 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 : Ms. Harvinder Oberoi)

ORDER (ORAL)

Mr. A.K. Bhardwaj, Member (J) :-

The P&P Branch of DSSSB published advertisement No.02/2012 inviting applications for the Post Code 109/2012 (TGT) (Hindi) (Female) in Directorate of Education. The closing date for submission of applications was 15.06.2012. It is not in dispute that the applicant herein had initially applied for the post, but when notice dated 24.10.2014 was issued, she could not submit online application, thus, the respondents rejected his candidature. According to the applicant once she had applied for the post as per the mode indicated in the original advertisement, for not adhering to the subsequent advertisements regarding the procedure for submission of the application she should not be made to suffer. The short issue arise to be determined in the present OA is “whether on account of non-submission of online application the candidature of the applicant could be nixed.” The issue, is in all fours, of the order dated 27.11.2015 passed by Hon’ble High Court in WP(C) No.9869/2015. The relevant excerpt of the judgment reads thus :-

“5. We have heard counsel for both the parties and their rival contentions.

6. It is not in dispute that an advertisement notice was published in the year 2012 and petitioner made an application. It is also not in dispute that the petitioner has cleared all the examination and has been found eligible. The case of the petitioner has only been rejected by the respondent as he did not fill up the form as per public notice which was

issued two years after the first advertisement to fill up the form in OARS.

7. We are satisfied with the reasoning and explanation rendered that the petitioner has acted in a bonafide manner and he was misled firstly for the reason that he applied pursuant to an advertisement released in the year 2012 and secondly because of Clause 11 (iii) of the advertisement as per which, the admit card was to be dispatched to the candidates by post. Once the candidate has filled up the application form, he could not reasonably have expected that terms of the advertisement would be changed without issuing a specific notice to him.

8. We find that in the absence of a specific notice having been issued to the petitioner for reloading the application in OARS, he cannot be deprived of the benefit which had accrued to him. Consequently, we set aside and quash the order of the Tribunal dated 11.09.2015 and declare that DSSSB has wrongly denied the consideration of the petitioner candidature for the post of Motor Vehicle Inspector. The case of the petitioner for appointment shall be considered in accordance with law, within 4 weeks of receipt of this order, if all other eligible criteria have been met.”

2. We are bound by the view taken by the Hon’ble High Court. Accordingly, we dispose of the OA with a direction to the respondents to process the candidature of the applicant for the post of TGT (Hindi) (Female) (the Post Code 109/2012). Needful may be done within eight weeks from the date of receipt of a copy of this order. No costs.

(V.N. Gaur)
Member (A)

(A.K. Bhardwaj)
Member (J)

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