

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 4400/2014

Reserved on 11.09.2018
Pronounced on 14.09.2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)**

Smt. Sarika, Aged-26 years,
Daughter of Sh. Ram Sharan,
Wife of Tajender Kumar,
R/o D-6/85, Dayal Pur,
Delhi-110094. ... Applicant

(By Advocate: Mr.Neeraj Anand with Mr.M.K.Pathy)

VERSUS

1. Delhi Subordinate Services Selection Board,
Represented through its Chairman,
F-18, Institutional Area,
Karkardooma, Delhi.
2. State of NCT of Delhi
Represented through its Secretary,
Department of Education,
Delhi Secretariat, Delhi.
3. Directorate of Education,
Govt. of NCT of Delhi
Old Secretariat, Delhi. ... Respondents

(By Advocate: Mr. Amit Anand)

ORDER

Hon'ble Mr. S.N. Terdal, Member (J):

Heard Shri Neeraj Anand, counsel for applicant and Mr. Amit Anand, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In the OA, the applicant has prayed for the following reliefs:

“(i) In view of the facts mentioned in Para 4 the applicants above named prays that this Hon’ble court be pleased to quash/set aside the reply dated 24.07.2014 given by the respondent No.1 to the representation filed by the applicant and issue a direction to the respondents for issuing appointment letter to the applicant for the post of primary teacher under ST category in view of the final selection list dated 29.05.2013.

And pass any other order(s) in favour of the applicants as this Hon’ble Court deems just and proper.”

3. This is a third round of litigation. The relevant facts of the case are that the applicant was a candidate in the selection process of Teacher (Primary) in MCD Post Code No. 016/08. The examination for which was held on 15.02.2009 and the result was declared on 06.10.2009. The applicant had applied under ST category. In Part-II examination she had secured 68/200 marks. The respondents had fixed 35% of marks as minimum qualifying marks for reserved category including ST category and they had fixed 45% of marks as minimum qualifying marks for unreserved category as cut off marks for final selection. As the applicant had secured less than 35% of marks, she was not considered in the final selection. Aggrieved by her non-selection, the applicant had filed her first OA bearing No.218/2014. The said OA was disposed of vide order dated 24.01.2014 giving her liberty to make a representation to the respondents. She had filed second OA bearing No. 1855/2014 alleging that no action was taken by the respondents on her representation filed as per the liberty given. On 27.05.2014, this Tribunal disposed of the said OA No.1855/2014 directing the respondents to consider her representation and pass an appropriate reasoned and speaking order.

The relevant portion of the order is extracted below:

"4. In the circumstances, the OA is disposed of, at the admission stage itself without going into the other merits of the case by directing the Respondents to consider the representation of the applicant and to pass an appropriate reasoned and speaking order thereon within eight weeks from the date of receipt of copy of this order."

4. The counsel for the respondents have filed counter affidavit on 13.08.2015 and on further direction by this Tribunal they have filed additional affidavit on 11.09.2018 along with several documents to substantiate the decision taken by them in view of large number of candidates having appeared and having secured more number of marks. In the additional affidavit they have clearly stated that in view of large number of candidates having appeared they had to fix the minimum qualifying marks. We have also perused the impugned order dated 24.07.2014. There also they have consistently taken the stand that the minimum qualifying marks for ST category was fixed as 35% of marks in Part-II examination. In view of these facts, the OA is devoid of merit.

5. Accordingly, OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

'sk'