

**Central Administrative Tribunal  
Principal Bench**

**OA- 1309/2011**

**New Delhi, this the 30<sup>th</sup> day of October, 2018**

**Hon'ble Mr. K.N. Shrivastava, Member(A)**  
**Hon'ble Mr. S.N. Terdal, Member (J)**

Sh. Subhash Chandra  
S/o Sh. Sukhdeva Ram  
R/o Village & P.O. Bhimsar  
District Jhunjhunu (Rajasthan)

...Applicant

(By Advocate : Mr. L.C. Rajput)

Versus

1. GNCT of Delhi  
Through its Secretary  
Delhi Secretariat, Players Building  
I.P. Estate, New Delhi – 110002.
2. The Chairman  
Delhi Subordinate Services Selection Board  
Govt. of NCT of Delhi  
FC-18, Institutional Area  
Karkardooma  
Delhi – 110092.

....Respondents

(By Advocate : Mr. B.N.P. Pathak )

**ORDER (ORAL)**

**Mr. K.N. Shrivastava :**

The applicant belongs to SC category and hails from the State of Rajasthan. Pursuant to Advertisement No. 07/07 of Delhi Subordinate Services Selections Board (DSSSB) - respondent No. 2, the applicant participated in the selection process for the post of TGT (Sanskrit) - Post Code 153/07. He was shortlisted but could not be recommended for appointment by DSSSB on the ground that he, being an outside SC candidate, cannot be extended the concession in

the Union Territory of Delhi. Accordingly, the applicant approached this Tribunal in the instant OA praying for the following reliefs:-

- “(a) To quash and set aside with all consequential benefits Office Order No. 183, dated 25.06.2010, passed by Delhi Subordinate Selection Board, GNCT of Delhi under the signatures of Shri S.L. Gupta, OIC/Economist (CC-1), thereby the applicant has been deprived of his appointment for the post of TGT (Sanskrit) SC-Category.
- (b) To issue necessary directions to the respondents to consider the applicant for the post of TGT (Sanskrit) SC-Category having post code no. 153/07 and thus recruit the applicant with all consequential benefits of seniority, salary etc. w.e.f. the date of appointment of similar other candidate for the above post.

2. Learned counsel for applicant has placed on record a Constitution Bench Judgment of Hon'ble Apex Court in the case of **Bir Singh vs. Delhi Jal Board and ors.** (Civil Appeal No. 1085 of 2013), dated 30.08.2018, wherein the Hon'ble Apex Court was seized of the following issue :-

“Whether a person belonging to a Scheduled Caste in relation to a particular State would be entitled or not, to the benefits or concessions allowed to Scheduled Caste candidate in the matter of employment, in any other State?”

3. The Constitution Bench has answered said question in the following terms :-

“61. Accordingly, we answer the question referred in terms of the views expressed in para 34 of this opinion. We further hold that so far as the National Capital Territory of Delhi is concerned the pan India Reservation Rule in force is in accord with the constitutional scheme relating to services under the Union and the State/Union Territories.”

4. In view of the aforementioned judgment of Hon'ble Apex Court, the controversy involved in the instant OA also gets resolved. In other words, even though the applicant belongs to State of Rajasthan, he would be entitled for reservation in SC category all over India, including Union Territory of Delhi.

5. In view of above, OA is allowed. Respondents are directed to issue appointment letter to the applicant for the post of TGT (Sanskrit) – Post Code 153/07 under the SC category, if he is found eligible in terms of his merit position. This shall be done within a period of six weeks from the date of this order.

Order "**dasti**".

**(S.N. Terdal)**  
**Member (J)**

**(K.N. Shrivastava)**  
**Member (A)**

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