

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No. 574/2017  
MA No. 582/2017

Reserved on: 28.11.2018  
Pronounced on: 06.12.2018

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

Amjad Khan, Age-29,  
S/o- Mohd. Saleem,  
R/O-27/316, Trilok Puri, Patparganj,  
Preet Vihar, East Delhi-110091.  
Post -TGT Math (Male) ... Applicant

(By Advocate: Ms.Mandavi Tripathi Mr. Vikas Tripathi )

**VERSUS**

1. The Chairman,  
Delhi Subordinate Services Selection Board,  
(DSSSB) FC-18, Institutional Area,  
Karkardooma, Near Railway Reservation Centre,  
New Delhi-110092.
2. South Municipal Corporation of Delhi  
Through Commissioner,  
Civic Centre, Minto Road, New Delhi.
3. The Director of Education  
Directorate of Education,  
Old Secretariat, Delhi. ... Respondents

(By Advocates: Ms. Ritika Chawla for R-1 & R-3 and  
Mr. R.K.Jain for R-2).

**O R D E R**

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

We have heard Mr. Vikas Tripathi, counsel for applicant and Ms. Ritika Chawla and Mr. R.K.Jain, counsel for respondents, perused the pleadings and all the documents produced by the parties.

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

- "(i) To set aside and quash the impugned rejection notice/list issued by the Respondent No1/DSSSB dated 19.05.2016 (Annexure-A).
- (ii) To set aside and quash the impugned order dated 07.12.2016 issued by the Respondent No.1/DSSSB (Annexure-A-2).
- (iii) To direct the Respondents to appoint the applicant as TGT (Maths) Male Post Code 110/12 under OBC Category in the Directorate of Education.
- (iv) To direct the Respondents to issue offer of appointment to the Applicant.
- (v) To direct the Respondents to grant all the consequential benefits to the Applicant.
- (vi) Award cost in the favour of the Applicant and against the Respondents.
- (vii) To pass any other order/s as deem fit and proper in the facts and circumstances of the case."

3. This is second round of litigation. The relevant facts of the case are that in response to the advertisement No.02/2012 of the respondents (DSSSB), the applicant applied for the post of TGT Maths (Male) with post code No. 110/12 in OBC category. The last date for submission of the application form was 15.06.2012. As on that date the applicant was not having OBC Certificate. He states that he had applied for the OBC certificate on 14.06.2012. He further submits that he received the OBC certificate on 28.06.2012. In the written examination, the applicant scored 90.25 marks whereas the cut-off marks for the OBC category was 71.75 marks. As the applicant had applied under OBC category he was called for documents verification

and after verification of his documents, his candidature was rejected with the remarks "OBC certificate was after cut-off date". The applicant filed OA No.2097/2016 before this Tribunal, in which this Tribunal vide order dated 14.06.2016 directed the respondents to consider the representation of the applicant dated 23.05.2016 and to pass appropriate reasoned and speaking order. In compliance with the Tribunal's order dated 14.06.2016, the respondents have passed a reasoned and speaking order dated 07.12.2016 which is impugned in this OA.

4. In the counter affidavit, the respondents have referred to para 5(ii) of Section C of the advertisement, point No. 4 under the column note of the advertisement and point no. 11 (ii) of Section-C of the advertisement. By the perusal of the said paras it is indispensable that the candidate should have obtained the OBC certificate before the crucial date. The averments made in para 2, 3 and 4 of the counter affidavit are extracted below:-

- "2. That it has been categorically mentioned in para 5(ii) of Section C of the advertisement that "candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must submit duly attested copies of relevant certificates issued to them on or before the closing date by the Competent/notified authority (in prescribed format) alongwith their application form, otherwise, their claim for SC/OBC/Physically handicapped/ Ex-servicemen & other special category will not be entertained...."
- 3. That it has further been clarified in Point No. 4 under the Column 'Note' of the said advertisement, it has been clearly mentioned that "the closing date for receipt of applications for the post is to be treated as crucial date. OBC certificate obtained after the crucial date shall not be considered and the prospective candidate will be considered under UR category, if eligible otherwise".

4. That it has also been clarified in Point No. 11(ii) of Section-C of the advertisement that "candidates should satisfy himself/herself before applying for the post and appearing in the examination regarding the possession of the required qualifications, age and Caste etc., as stipulated for the post to avoid future implications."

In the impugned speaking order dated 07.12.2016 also, they have given the reasons that in view of the various paras of the said advertisement, the applicant should have obtained the OBC certificate before the cut-off date.

5. The counsel for the applicant vehemently and strenuously contended that before the cut-off date, the applicant had submitted his application for securing OBC certificate and that within 15 days he had obtained the OBC certificate and that he had submitted OBC certificate to the respondents online and that the respondents have considered his candidature under OBC category and allowed him to appear in the written examination. On the above grounds, the counsel for the applicant submits that OA be allowed. But, however, as narrated above, as per the specific provisions of the advertisement, the applicant should have obtained OBC certificate. Admittedly, the applicant was not having the OBC certificate as on the last date of the submission of the application form. In the circumstances, we are of the opinion that the impugned speaking order cannot be interfered with.

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

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

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

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