

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2549/2017

Reserved on 04.12.2018
Pronounced on 14.12.2018

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

Shri Amardeep (Age 27) (Gr.-B),
S/o Sh. Jarnail Singh,
R/o J-119, Old Roshan Pura,
Najafgarh, New Delhi-43.

... Applicant

(By Advocate: Mr. Yashpal Rangi)

VERSUS

Govt. of NCT of Delhi, through:

1. The Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat, I.P. Estate,
New Delhi.
2. Director of Education,
Delhi Secretariat,
I.P. Estate, GNCTD, New Delhi.
3. The Secretary,
Delhi Subordinate Services Selection Board,
3rd Floor, UTCS Building,
Vishwas Nagar, Shahdara,
New Delhi.

... Respondents

(By Advocate : Mr. Anuj Kumar Sharma and Rohit Sehrawat
for Mr. Saurabh Chadda)

ORDER

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

We have heard Mr. Yashpal Rangi, counsel for applicant and Mr. Anuj Kumar Sharma, counsel for respondents, perused the pleadings and all the documents produced by the parties.

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

“(i) declare the applicant as eligible and selected candidate in OBC category for appointment to the post of TGT

(Computer Science) in Directorate of Education, GNCTD;
and

- (ii) direct the respondents to appoint the applicant on the post of TGT (Computer Science) in Directorate of Education, GNCTD Post Code 192/14 in pursuance of advertisement no 1/2014 with all consequential benefits.
- (iii) allow the OA with exemplary costs.
- (iv) pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

3. The relevant facts of the case are that in response to the advertisement No.01/14 of the respondents (DSSSB), the applicant applied for the post of TGT (Computer Science) with post code No. 192/14. The last date for submission of the application form was 28.02.2014. He states that he had applied under general category and he appeared with the admit card showing that he has appeared as general category. He further submits that he had applied for OBC certificate before the closing date i.e. 28.2.2014. But, however, he secured OBC certificate later on. After securing OBC certificate on 13.01.2015 he sent a representation to the respondents for treating him as OBC candidate. He further submits that he has secured 73.75 marks whereas the last candidate selected in the OBC category had secured 68.6 marks. In view of the above facts he prays for a direction to the respondents to considering him under OBC category.

4. The respondents in their counter affidavit referring to para 5(ii) of the advertisement specifically stated that the candidate should have obtained the OBC certificate before the last date of submission of the application form and that they should have indicated in the application

form that they are applying for under OBC category. The said para 5(ii) reads as under:

5(ii) "Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must be in possession of relevant certificates issued to them on or before the closing date by the competent/notified authority (in prescribed format) otherwise their claim for SC/OBC/Physically handicapped/ Ex-servicemen & other special category will not be entertained and their application will be considered against Un-reserved (UR) categories vacancies if eligible otherwise."

Thus, in view of the specific provisions namely para 5 (ii) of the advertisement and in view of the fact that the applicant had not applied under OBC category and that he was not having the OBC certificate before the last date of filing of the application, the applicant cannot be treated under OBC category as submitted by the counsel for the respondents. The counsel for the applicant relied on the judgment of Hon'ble Madras High Court in the case of **Minor V Harshan Vs. The Chairman, IIT** (WP (C) No. 7078/2012. That judgment does not come for the rescue of the applicant. An Identical issue arose in OA No. 574/2017 and by order dated 6.12.2018, this Bench has already taken a view that in such circumstances, the reliefs cannot be granted.

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

(S.N.Terdal)
Member (J)

(K.N.Shirvastava)
Member (A)

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