

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.278 of 2016

Orders reserved on : 29.01.2019

Orders pronounced on : 06.02.2019

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

1. Smt. Suman – Age 33 years
w/o Sh. Vikas
d/o Sh. Ramphal
R/o H.No.445, Darya Pur Kalan, Delhi.
2. Ms. Geeta Dabbas – age 32 years
d/o Sh. Kartar Singh Dabbas
r/o C/o Sh. Nahar Singh
H.No.316/25, West Ram Nagar, Sonapat, Haryana.
3. Smt. Soni – age 30 years
W/o Sh. Yogesh
D/o Sh. Ramphal Singh
R/o B-8/48, Sector-11, Rohini, Delhi-110085.

All the above applicants are unemployed

....Applicants

(By Advocate : Shri M. Rai S. Farooqui)

VERSUS

1. Govt. of NCT of Delhi
Through its Chief Secretary,
New Secretariat, I.P. Estate,
New Delhi.
2. Delhi Subordinate Service Selection Board, (DSSSB)
Through its Secretary/Chairman
Office at : FC-18, Industrial Area,
Karkardooma, Delhi.
3. Directorate of Education,
Govt. of NCT
Old Secretariat,
Sham Nath Marg,
Delhi-110054.

.....Respondents

(By Advocate : Shri Amit Yadav for Shri Amit Sharma)

ORDER

Ms. Nita Chowdhury, Member (A):

MA 270/2016

This MA has been filed by the applicants seeking joining together in a single OA. For the reasons stated in this MA, the same is allowed. The applicants are permitted to join together in a single OA.

OA 278/2016

By filing this OA, the applicants are seeking the following reliefs:-

- “i) pass a direction/order thereby directing the respondents to consider the candidature of the applicants as eligible for their respective post code no.70/13, 07/13 and 09/13 in advertisement no.01/13;
- ii) direct the respondents to declare the statement of marks and result for their respective post code no.07/13, 07/13 and 09/13 in advertisement no.01/13 for the appointment of Trained Graduate Teacher (TGT) being examination held jointly to the post of TGT requisitioned in the advertisement no.02/12 and the advertisement no.01/13;
- iii) Any other/further order(s) instructions(s) and directions(s) as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case, may also kindly be passed in favour of the applicants and against the respondents.”

2. The brief facts of the case, as stated in the OA, are that the respondent no.2 issued an advertisement No.2/2012 for the recruitment of Trained Graduate Teacher (TGT) vide post Code No.106/12 to 121/12 with opening date for receipt of application 15.5.2012 and closing date 15.6.2012 and the

respondent no.2 further in the year 2013 invited applications through advertisement No.01/13 for the recruitment of Trained Graduate Teachers vide Post code No.01/13 to 19/13 with opening date for receipt of application 20.2.2013 and closing date 20.3.2013. The applicants have applied for both the advertisements No.02/12 and 01/13, as the applicant nos.1 and 2 submitted their application/form for post code No.07/13 TGT (Hindi) and applicant No.3 submitted her application/form for post code No.09/13 TGT (Maths) before the closing date 30.03.2013.

2.1 Thereafter the respondent no.2 displayed the list of eligible and ineligible candidates and the name of the applicants were fallen in the list of ineligible candidates, however, the respondent no.2/Board invited the candidates through notice dated 10.09.2013 to file their objections/claims about their rejection through speed post/regd post/normal post or to deposit in the designated drop box at DSSSB reception counter latest by 20.9.2013.

2.2 The applicants made their representations along with copy of qualifications required by the advertisement to the respondent no.2 as dropped in the drop box at the reception counter of DSSSB before 20.9.2013 but the respondent no.2 did not intimate as to the eligibility on consideration of their representations and requisite documents.

2.3 The respondent no.2 displayed further list of eligible candidates as per notice dated 26.11.2014 after considering the representations received from the candidates being asked to submit their objection/claim upto 20.9.2013 at DSSSB reception counter, but the applicants did not find themselves as eligible in that list and therefore, they approached the respondent no.2 as to redressal of their grievances upon which the DSSSB assured the applicants to be considered further as the verification of representations were not completed.

2.4 However, in the meanwhile respondents announced schedule for examination and conducted the written examination on 28.12.2014 jointly for the post of TGT being advertised in the years 2012 and 2013 and the applicants have also participated in the said joint written examination for both the advertisement nos.02/12 and 01/13 in respect of post code 07/13 & post code 09/13 respectively.

2.5 The respondent no.2 uploaded the marks of the candidates obtained by them in the advertisement no.02/12 and the advertisement no.01/13 including post code 07/13 & post code 09/13 respectively on 24.11.2015 but the name of the applicant have not been given in the list of candidates of 2013 while the name of the applicants have been included in the year 2012.

2.6 Applicants further stated that they again rushed to the officials of respondent no.2 but no satisfactory reply was given to them and therefore, the applicants made further representations on 8.12.2015.

2.7 According to the applicants, till date the respondents have neither decided the said representations of the applicants nor have included the name of the applicants in the result/marks statements against the post codes advertised in 2013.

2.8 In above circumstances, being aggrieved by the inaction of the respondents on his grievance, the applicant has filed this OA seeking the reliefs as quoted above.

3. Pursuant to notice, the respondents have also filed their reply in which they stated that as per advertisement notice number 02/2012, DSSSB invited applications for filling up of vacant posts of various categories of Post Codes 02/12 to 165/12. The candidates were advised to read the details instructions in Sections A, B and C of the advertisement before filling up Part-I and Part0II of the application form strictly according to the instructions.

3.1 As per notice dated 24.10.2014 and subsequent notices dated 25.11.2014 etc., the candidates were informed that since the DSSSB has now switched over to OARS, the applicants who had applied for the said post codes through

paper based forms were now required to get themselves registered in OARS software and to upload their photograph, signature and educational qualification/experience online for issuance of admit cards through OARS. Candidates were also advised to ensure that they fulfill all the eligible criteria as per the advertisement No.02/12 on or before the cut-off date.

3.2 Thereafter, as per advertisement notice number 01/2013, DSSSB again invited applications for filling up of vacant posts of various categories of Post Codes 01/13 to 23/12. Candidates were advised to read the detailed instructions in the advertisement before filling up the Optional Mark Reader (ORM) application form strictly according to the instructions. Instruction number 9 of the advertisement notice further mentioned the deficiencies or irregularities for which the applications were to be treated as invalid and liable to be summarily rejected. Details of such deficiencies are indicated in paras (a) to (p) of the aforesaid instructions. There is a note appended to this notice which *inter alia* mentions that no claim for re-consideration of the rejected cases on the grounds specified therein would be entertained. It is also stated that the final figures of eligible and rejected candidates for the post codes 04/13 to 19/13 (TGTs) were provided by M/s Datatec Methodex Pvt. Ltd., and against post code 07/13, 752 candidates were declared as 'valid candidates' and 2212 candidates as 'invalid candidates',

whereas total candidates against the said post code were 2964 as also against post code 09/13, 1283 candidates were declared as 'valid candidates' and 1376 candidates as 'invalid candidates', whereas total candidates against the said post code were 2659.

3.3 It is further stated that out of total applications received for Post Codes 04/13 to 19/13 amounting to 31,691 and the number of valid candidates were 13,111 while the invalid candidates were 18,580.

3.4 They further stated that the details of rejection codes which were given to the agency processing the applications. Subsequently, a notice dated 10.09.2013 was uploaded on the website of the Board. In the said notice, it was provided that any candidate who had applied for post codes mentioned therein and whose candidature had been rejected, was granted liberty to file objections about his/her eligibility/ineligibility, with documentary evidence, addressed to the Controller of Exam by speed post/regd. Post/normal post or may deposit in the designated drop box at the DSSSB reception counter latest by 20.09.2013. Based upon objections, an additional list of eligible candidates was declared.

3.5 It is stated that the candidatures of the applicants for the concerned post codes were rejected due to the following reasons:-

- (i) The candidature of Suman, D.O.B. – 31.08.1982 was rejected due to 'Not having the requisite qualification as on closing date'.
- (ii) The candidature of Geeta Dabas, D.O.B. – 10.05.1983 was rejected due to 'Incomplete or illegible or incorrectly filled up application. Not having the requisite qualifications as on closing date'.
- (iii) The candidature of Soni, D.O.B. – 15.07.1985 was rejected due to 'Not having the requisite qualification as on closing date'.

3.6 They further stated that the list of eligible/ineligible candidates was put on the website on 10.09.2013 of the DSSSB and applicants/candidates were asked to submit the representation by 20.09.2013. However, these applicants did not approach the DSSSB at the relevant time and have not filed the present OA in time and the same is barred by limitation as well as on merits.

3.7 The respondents further emphasized that the applicants were very well knew that they were ineligible and thus did not approach the respondents despite the fact that their names did not appear in the notice dated 26.11.2014. Once again no

copies of the representations have been filed by the applicants. It is denied by the respondents that the applicants were even assured that these pleas would be considered by the DSSSB. The respondents further denied that the applicants participated in the exam for advertisement No.02/12.

4. The applicants have also filed rejoinder reiterating the contents of the OA and denying the averments contained in the counter affidavit filed by the respondents.

5. We have heard learned counsel for the parties and perused the material placed on record.

6. The main contention of the applicants is that they were declared eligible for the relevant post codes of 2012 advertisement but they were declared as ineligible for the same post codes of 2013 advertisement, as by notification dated 10.9.2013. But the fact that the applicants have not annexed any proof like admit cards, a copy of declaration of their results qua the advertisement of 2012 in this OA and the respondents have categorically denied that the applicants participated in the exam for advertisement No.02/12. As such the said contention of the applicants is not sustainable for want of any proof.

7. It is an admitted fact that the applicants were well aware of the fact of rejection of their candidatures qua the

advertisement of 2013 as they allegedly stated that they have represented against the rejection notice dated 10.9.2013 by dropping their representations along with copies of qualifications required by the advertisement to the respondent no.2 before 20.9.2013. But they have not annexed with the OA any of such representations which were alleged to be dropped by them in drop box at DSSSB.

8. However, the fact that the applicants have submitted their representations on 8.12.2015 after displaying the further list of eligible candidates on 26.11.2014, which was issued after consideration of representations preferred by the candidates upto 20.9.2013, as the copies of such representations of the applicants, which were received by the respondent no.2 on 8.12.2015, are annexed with the OA at pages 74 to 76 and the said exam was held jointly for the advertisements of 2012 and 2013 on 28.12.2014, i.e., more than one year prior to submission of the said representations dated 8.12.2015. However, it is relevant to mention that it is the contention of the applicants that they have appeared in the examination in respect of both the advertisement nos.02/12 and no.01/13 but they have not annexed any proof which shows that they have appeared in the said written examination on 28.12.2014. Hence, due to lack of proof by the applicants for any of the averments being made by them, we are unable to grant any relief.

9. In view of the aforesaid factual position of this case, this Court is unable to grant the relief, as prayed for, to the applicants. Accordingly, the present OA is dismissed being devoid of merit. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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