

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

O.A. No.512 of 2016

This the 19th day of February 2019

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

Tapashya Devi, Age: 26 yrs,
D/o Shri Mahinder Singh,
r/o VPO Sandwa, The Tosham,
District Bhiwani, Haryana.

....Applicant

(By Advocate : Shri Shashi Shanker)

VERSUS

1. National Capital Territory, Delhi,
Through its Secretary,
New Delhi.
2. Delhi Subordinate Services Selection Board,
Government of NCT Delhi,
Through its Commissioner,
FC-18, Institutional Area,
Karkardooma, Delhi.

.....Respondents

(By Advocate : Shri K.M. Singh)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

Heard learned counsel for the parties.

2. By filing this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant is seeking the following reliefs:-

- “i) For setting-aside the unilateral and arbitrary decision of not including the name of the petitioner in the common list duly issued by the respondent No.2.
- ii) For setting-aside the decision of preparing common list on the basis of the marks secured by

the candidates in TGT examination by declaring the common list as null & void. And of conducting any further interviews without informing the petitioners despite having qualified the (TGT) examination.

- iii) For issuance of a writ in the nature of mandamus commanding upon the respondents, particularly the respondent Nos.2 allow the petitioners to further take part in the selection criteria for selection.
- iv) For issuance of a writ in the nature of mandamus commanding upon the respondents, particularly the respondent Nos.2 for stay in the further selecting procedure without including the name of the petitioner, or calling the petitioners for interview and till that time restrain the respondents from declaring any result.
- v) Pass such other order/orders as this Hon'ble Court may deem fit and proper may also be passed in favor of the applicant in the interest of justice."

3. Brief facts of the case, as stated by the applicant, are that the applicant applied online for the post of TGT (Maths) Female (Post Code No.111/12) advertised by the respondents and she was also issued e-admit card qua the said post code of the year 2012. The respondents have also published another notification in 2013 for filling up the vacancies of TGT, Primary Teachers and Misc. Teaching Posts, including post of TGT (Maths) Female (Post Code No.9/13). According to the applicant, in the year 2014, the applicant came to know that she was required to submit another application via offline mode for the same post which the applicant abided

and fulfilled all the requisite conditions as required and filled the application owing to her qualifications.

3.1 Applicant further averred that in the year 2014, once again the applications were called for the post of TGT (Maths) Female for which the applicant had already registered in 2012 and filled her application twice i.e. in the year 2012 and 2013 but this time mode was online.

3.2 Applicant further averred that applicant was issued e-admit card for post code of 111/12 but with regard to post code No.9/13, the respondents have rejected her candidature on the ground of not having the requisite qualification as on closing date. However the name of the applicant is appearing in the list of year 2012 in which her marks as obtained by her has been mentioned although common exam was held by the respondents for the said post codes. Being aggrieved by non-inclusion of her name qua the post code 9/13, the applicant approached the respondents and also filed RTI application and when no response was given by the respondents, the applicant has filed this OA seeking the reliefs as quoted above.

4. Pursuant to notice, respondents have filed their reply in which they have stated that as per notice dated 24.10.2014 and subsequent notices dated 25.11.2014 etc. the candidates were informed that since the Board has now switched over to OARS, the applicants who had applied for the said post codes

through paper based forms were 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. The candidates were also advised to ensure that they fulfill all the eligibility criteria as per the advertisement No.02/12 on or before the cut off date.

4.1 Thereafter, as per advertisement notice number - 1/2013, DSSSB again invited applications for filling up of vacant posts of various categories of post codes 01/13 to 23/13. Candidates were advised to read the detailed instructions before filling up the Optical Mark Reader (OMR) application form. 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 and 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. 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 post, or 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 whereunder 102 more candidates were declared eligible. It is stated that the candidature of the applicant for post code 9/13 of the post of TGT (Maths) (Female) was rejected due to 'Not having the requisite qualifications as closing date. That the list of eligible/ineligible candidates was put on the website on 10.09.2013 of the Board and applicant/candidates were asked to submit the representation by 20.09.2013. No representation was received from the applicant.

5. The main contention of the counsel for the applicant is that applicant had applied for the same post, i.e., TGT (Maths) Female and only the post code numbers are different which were advertised in 2012 and 2013 by the DSSSB and admittedly a common exam was conducted for both the advertisements and once the applicant has been declared eligible and was awarded marks 119.00 against the post Code

no.111/12 and her name had been included in the list of the candidates appeared in pursuance to advertisement of 2012, the stand of the respondents that applicant is ineligible for the said post of TGT (Maths) Female advertised vide Post Code No.9/13 on the ground that she is not having the requisite qualification as on closing date, is not sustainable in the eyes of law. He further submitted that in the entire counter affidavit, the respondents have not stated with regard to ineligibility of the applicant for the post code No.111/12 (TGT (Maths) Female).

6. On the other hand, learned counsel for the respondents submitted that vide notice dated 10.9.2013, it was informed that the list of eligible/ineligible candidate was put on the website of the Board and candidates were asked to submit the representation, if any, by 20.9.2013 and as per record, no representation was received from the applicant by the said date.

7. After hearing the learned counsel for the parties and having regard to the above facts and circumstances of the present case, this Court observes that in the entire pleadings there is no averment from the applicant that she has taken steps against the notice of declaring her ineligible for the post code no.9/13 on the ground of 'not having the requisite qualifications as on closing date'. The respondents have

specifically issued a notice in this regard inviting objection from the candidates whose candidatures were rejected on various grounds and admittedly the applicant has not taken any steps at the relevant time in this regard as has been taken by number of candidates and whose objections were considered and objections of some of the candidates were found to be acceptable, and additional list of eligible candidates was issued by the respondents.

8. Since the applicant has not taken any steps at appropriate time for rectification of rejection of her candidature for the post Code of 9/2013 as directed to candidates vide aforesaid notice and specific direction was also given to those such candidates whose names/roll numbers are mentioned in the said notice to take appropriate recourse, this Court is unable to interfere in this matter. Accordingly, the present OA is dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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