

**Central Administrative Tribunal
Principal Bench**

OA No.2986/2016

New Delhi, this the 28th day of March, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. Pradeep Kumar, Member (A)**

Ms. Anjana, aged 28 years
D/o Sh. Amar Singh
R/o RZD-1/256 D, Gali No. 5
Mahavir Enclave, Palam
Dabri Road, Delhi-110045. ...Applicant

(By Advocate: Shri U. Srivastava)

Vs.

1. The Govt. of N.C.T. of Delhi
Through its Chief Secretary
I.P. Estate, New Delhi.
2. The Chairman, Delhi Subordinate Services
Selection Board
The Govt. of N.C.T. of Delhi
FC-18, Institutional Area
Karkardooma, Delhi-110092.
3. The Secretary
Delhi Subordinate Services Selection Board
The Govt. of N.C.T. of Delhi
FC-18, Institutional Area
Karkardooma, Delhi-110092.
4. Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat
5 Sham Nath Marg
Delhi-54.
5. The Principal Secretary
(Education), Govt. of NCT of Delhi

New Secretariat
Delhi-54.

...Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The respondents issued an advertisement in the year 2013 inviting applications, to fill up the post of Teachers of various categories. The applicant applied for the post of Assistant Teacher(Nursery) with post Code No.3/13 and claimed OBC status. In the written test held for this purpose, she emerged successful. However, at the stage of verification, she submitted a certificate issued by the Executive Magistrate, Palam on the basis of the certificate given to her father by the District Magistrate, Eta Uttar Pradesh.

2. The respondents refused to recognise her social status as OBC and rejected her candidature. Thereafter, the applicant submitted a caste certificate issued by the District Magistrate, South West District dated 10.03.2016. On the basis of this, the applicant was issued a memorandum dated 13.01.2017, requiring her to appear with all the relevant certificates.

3. When the applicant accordingly appeared and submitted the certificate, she was issued a show cause notice dated 22.05.2018, mentioning that she produced two caste certificates, i.e., the one dated 02.01.2013 issued by the Executive Magistrate, Palam and the other dated 10.03.2016 issued by the District Magistrate, South West District, Delhi, for the same purpose and she was required to explain as to how such a situation emerged.

4. The applicant submitted her explanation. Thereafter, the matter was inquired into by the Tahsildar, Dwarka. Through an order dated 21.06.2018, the Tahsildar, Dwarka stated that the certificate was issued on 10.03.2016, duly cancelling the one dated 02.01.2013, and since the applicant has submitted undertaking on 24.05.2018, that she has not taken benefit of OBC Certificate of other State, her social status as OBC can be recognized for Delhi. It is under these circumstances, that the applicant is before the Tribunal seeking appropriate directions.

7. The respondents filed a counter affidavit stating that the case of the applicant was verified in

accordance with the stipulated norms and on finding that she did not satisfy the same, the order of appointment was not issued.

8. We heard Shri U. Srivastava, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

9. It was a long journey for the applicant since 2013. Initially, she met with a hurdle in the form of an objection to a certificate issued to her on the basis of her father's domicile in the State of Uttar Pradesh. To overcome that, she obtained a caste certificate issued by District Magistrate, South West District, Delhi in 2016. This time, the respondents found that there are two certificates issued by different authorities of the Delhi Administration.

10. A show cause notice was issued, and on the basis of the explanation submitted by the applicant, the matter was inquired into by the Tahsildar, who, in turn, submitted a report virtually upholding the social status of the applicant and her eligibility to be considered for the post, in question.

11. Once it emerges that the applicant secured the appropriate rank in the written test, and she has satisfied the authorities about her social status, the next step is to consider her case for appointment, duly treating the selection as final.

12. We, therefore, allow the OA and direct the respondents to take further steps in the direction of issuing order of appointment, duly treating her as an OBC candidate, and in accordance with the merit obtained by her in the written test, within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(Pradeep Kumar) (Justice L. Narasimha Reddy)
Member(A) Chairman

/v b/