

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2290/2019

Monday, this the 19th day of August 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Nishi Jain
Aged about 24 years
d/o Sh. Anil Kumar
r/o House No.384, Street No.15, East Azad Nagar
Delhi – 110 051
Post : PGT (Computer Science) (Female)
Post Code 151/17
Group B

..Applicant
(Mr. Anuj Aggarwal, Advocate)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB)
Through its Chairman
Govt. of NCT of Delhi
FC-18, Institutional Area
Karkardooma, Delhi – 110 092

2. The Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat Building
Civil Lines, Delhi – 110 054

..Respondents
(Mr. Amit Anand, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The respondents issued Vacancy Notice/Advertisement No.04/17 dated 20.12.2017 inviting applications to select candidates for various posts, including Post Graduate Teacher (Computer Science) (Female), with Post Code No.151/17. The

applicant is one of the contenders and she is in orthopedically handicapped (OH) category. A written test was conducted and results were declared. The applicant was awarded 109.46 marks. She contends that though one vacancy each was reserved in favour of orthopedically, visually and hearing handicapped categories, none of the vacancies were filled.

2. At the stage of admission, we requested the learned standing counsel for respondents to obtain instructions. It is stated that a candidate by name, Ms. Aarti Agarwal, who is also in the OH category, obtained 123.66 marks and being the most meritorious, she was selected, and was required to upload the documents. It is also stated that some deficiencies were noted and she was given another opportunity.

3. Learned counsel for respondents further submitted on instructions that in case the candidature of Ms. Arti Aggarwal is not considered, the choice would invariably fall on the applicant, subject to her fulfilling other criteria.

4. With the instructions obtained by learned counsel for respondents, the picture now becomes clear. The applicant is number 2 in the merit list of OH candidates. Since there is only one vacancy, it was offered to more meritorious candidate. It was only when the candidate with first rank does not get selected, that the choice would fall upon the applicant. She

cannot be shifted to other sub-categories, i.e., visual and hearing handicapped.

5. We, therefore, dispose of the O.A. directing that in case the candidate by name Ms. Arti Aggarwal, with 123.66 marks, is not selected and appointed against the vacancy reserved for OH category for the post of Post Graduate Teacher (Computer Science) (Female), with Post Code No.151/17, the respondents shall consider the case of the applicant, subject to her otherwise being eligible.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

August 19, 2019
/sunil/