

**Central Administrative Tribunal
Principal Bench**

OA No.3006/2019

New Delhi, this the 11th day of October, 2019

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

Ummed Bai, W/o Sh. Anil Kumar
R/o RZ-11/275
Geetanjali Park
West Sagarpur
New Delhi-110046.

Aged about 30 years (Group 'B') ...Applicant

(By Advocates: Shri Hemant Shah, Shri Sujit Kesari,
Shri Deokant Tripathi and Shri Avinash Kumar)

Vs.

1. GNCT of Delhi through its Chief Secretary
5th Level, 'A' Wing
Delhi Secretariat, I.P. Estate
New Delhi.

2. Delhi Subordinate Services Selection Board
Through its Secretary
F-18, Karkardooma Institutional Area
New Delhi.

3. Directorate of Education
Through its Director (GNCT of Delhi)
Old Secretariat
Delhi-110054. ...Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

The applicant responded to a Notification issued by the Delhi Administration for selection and appointment to the post of TGT (Social Science) with Post Code No.138/17. She secured fairly good marks, i.e., 97.75 in the written test. The applicant claimed status of OBC. She filed a certificate issued by the Deputy Commissioner (South West District), Delhi dated 01.12.2014. That certificate, in turn, was on the basis of the caste certificate, issued to the brother of the applicant by name, Sandeep Kumar, by the Tehsildar of Alwar, Haryana on 07.06.2011.

2. The respondents issued rejection notice dated 27.05.2019 indicating the reasons for rejection of the claim of the applicant as an OBC candidate. It was mentioned that the OBC certificate was issued to the applicant on the basis of the certificate issued to her brother, who is a resident of Haryana State. The same is challenged in the OA.

3. The applicant contends that her social status was never in dispute and even the caste to which she

belongs, is recognized as OBC in the State of Delhi. The applicant placed reliance upon the order dated 15.05.2018 passed by this Tribunal in OA No.3257/2014.

4. We heard Shri Hemant Shah, Shri Sujit Kesari, Shri Deokant Tripathi and Shri Avinash Kumar, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

5. The applicant participated in the test conducted for selection and appointment to the post of TGT (Social Science). She claimed the status of OBC. In the advertisement itself, it was mentioned that whenever a candidate claims the status of OBC, the benefit of reservation will be extended only to the OBC (Delhi) candidates. The relevant clause reads as under:-

“(iii) Only OBC (Delhi) candidates will be given the benefit of reservation/age relaxation under OBC category. OBC (Outside) candidates will be treated as Unreserved candidate and they must apply under UR category. The OBC candidates must be in possession of non-Creamy layer certificate, along with his/her caste certificate.”

6. From a perusal of this, it becomes clear that the OBC certificate can be accepted if it is issued by the Revenue Department of Govt. of NCT, on the basis of old certificate issued to any member of the individual's family from Govt. of NCT of Delhi. Admittedly, the certificate issued to the applicant does not fall into this category.

7. The next category of certificate is (a) where it is issued by a competent authority outside Delhi to a person belonging to the OBC community notified by the GNCT of Delhi and such a certificate should have been issued on the basis of the OBC certificate issued by the Govt. of NCT of Delhi to a family member of the concerned person who had been residing in Delhi before 08.09.1993. In the instant case, the certificate was issued to the applicant on the basis of a certificate issued to her brother, who was a resident of Haryana. Therefore, the view taken by the respondents cannot be said to be unlawful.

8. The subject matter of OA No.3257/2014 was a certificate which is accorded with the norms stipulated by the administration.

9. We do not find any merit in the OA. It is accordingly dismissed. We, however, make it clear that in case the selection process has not been concluded as yet, and if the applicant is able to produce a certificate which accords with the stipulated norms, the respondents shall take that into account.

There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/