

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

O.A. No.3009 of 2019

Monday, this 14th Day of October, 2019

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

KAVITA
D/o Sh. Satbir Singh
Aged about 30 years
Group C
R/o H. No.A-23, Village & P.O. Rani Khera,
Opp. Booster Pump, Shani Bazar Road,
Delhi.

.....Applicant

(Mr. K. P. Gupta, Advocate)

-Versus-

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate, New Delhi.
2. Delhi Subordinate Services Selection Board (DSSSB),
FC-18, Institutional Area,
Karkardooma, Delhi – 110092,
Through its Secretary.
3. The Director of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi.

.....Respondents

(Ms Esha Mazumdar, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The Delhi Administration initiated the steps for selection and appointment of employees of different categories, in the year 2013. One such was the post of Trained Graduate Teacher (Natural Science)

(Female), with Post Code No.11/13. The applicant took part in the selection process. She belongs to OBC category. She was not selected though her name was included in the notice at Sl.No.8.

2. Feeling aggrieved against non selection, the applicant filed O.A.812/2019. The O.A was disposed of on 12.03.2019 leaving it open to the applicant to submit representation before the respondents and the respondents, in turn, were directed to:

- (i) As to how many vacancies of OBC/Female in the post of TGT (Natural Science) were filled up and;
- (ii) If all the posts are not filled up, the reasons therefore.

3. The applicant filed representation dated 19.06.2018 in compliance of the order passed by the Tribunal. The respondents passed an order dated 22.07.2019, wherein it was mentioned that out of 20 candidates, who were selected under OBC category, 4 candidates did not join and the dossiers of 4 candidates were picked up from the wait list of candidates. It was also mentioned that the life of the wait list expired by 02.08.2017 and the 4 vacancies, referable to the advertisement issued in 2013 and remained unfilled, were surrendered to the user department. It was also stated that the posts became the subject matter of the subsequent advertisement. The issue was closed on 05.02.2018.

4. The applicant contends that the respondents were under obligation to fill up the vacancies which were notified in 2013 and

there was absolutely no basis to surrender and that the 4 vacancies under OBC category should have been filled by the respondents.

5. We heard Mr K.P.Gupta, learned counsel for the applicant and Ms. Esha Majumdar, learned counsel for the respondents, at the stage of admission.

6. This is the second round of litigation by the applicant, in her pursuit to get appointment as a Teacher. She belongs to OBC category and secured 72.25% marks. There were 20 vacancies earmarked in the category, in 2013. The result of the examination was declared on 03.08.2016. The select list of 20 candidates was published. The name of the applicant figured at Sl.No.8 in the waiting list.

7. Out of 20 candidates, the dossiers of 4 candidates were not found to be satisfactory and the user department wanted the Delhi Subordinate Services Selection Board (DSSSB) to send list of 4 candidates. Accordingly, the list of 4 candidates from the wait list was forwarded to the user department. It is not known as to whether the 4 candidates whose names were forwarded for appointment were appointed or not. However, the life of the panel expired on 02.08.2017. The vacancies, referable to advertisement issued in 2013 and which remained unfilled, were surrendered to the user department. It is relevant to mention that a subsequent advertisement was issued in the year 2017 and the examination for

those very posts was held on 27.2.2018. The applicant is one of the contenders, but she did not qualify the same.

8. It is not the case of the applicant that any candidate, who has secured less number of marks in the said examination, was appointed and that the candidates, who were selected, did not join. On verification, if the candidate is otherwise not eligible, the selecting Agency has to take corresponding number of candidates from the waiting list. This process can be continued till the stage, the wait list is alive. Life of a wait list in the case of respondents is one year from the declaration of result. On expiry of the life of wait list, the vacancies, if any, would be surrendered to the user department.

9. The selection with reference to the advertisement issued in the year 2013 cannot be a subject matter of adjudication at this stage, particularly, when it is not even alleged that any candidate who has less merit than the applicant was appointed.

10. We do not find any merit in the O.A. It is accordingly dismissed.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

PG