

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No.723/2018
in
OA No.3070/2018**

New Delhi, this the 27th day of September, 2019

Hon'ble Mr. R.N.Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Rakesh Kumar Kamal
S/o Shri Babban Prasad
R/o RZL-117A, 'L' Block
Bengali Colony, Mahavir Enclave
New Delhi – 110 045.

.... Petitioner

(By Advocate: Shri Yogesh Sharma)

VERSUS

1. Shri Rakesh Chopra
The Secretary
Delhi Subordinate Services
Selection Board
FC 18, Institutional Area
Karkardooma, Delhi – 110 092.

.... Respondents.

(By Advocate: Shri Anuj Kumar Sharma)

ORDER (ORAL)

By Hon'ble Mr. R.N. Singh, Member (J)

The learned counsel for the parties submits that in pursuance of the directions of this Tribunal dated 16.08.2018 in OA No.3070/2018, the respondents have passed the order dated 26.09.2019. A copy of the same has been placed by the learned counsel for respondents on record and has also been supplied to the learned counsel for the petitioner. The orders reads as under :-

**"F.No.103/Result/AE (Civil)/Int. Cell/
DSSSB/2017-18/3845-47**

Dated 26.09.2019

ORDER

This order shall dispose of the representation dated 14/09/2018 filed by Shri Rakesh Kumar Kamal (Roll No.84026068), a common candidate for the post of Assistant Engineer (Civil), Post Code-02/12 in Delhi Jal Board, Assistant Engineer (Civil), Post Code-03/12 and Junior Engineer (Civil), Post Code 04/12 in Municipal Corporation of Delhi in compliance of the directions of Hon'ble CAT order dated 16/08/2018 in OA No.3070/2018.

2. The Hon'ble CAT while disposing the Original Application No.3070/2018 has directed as under :-

- a) The applicant shall submit a comprehensive representation to respondent no.2 respondents within 15 days of the receipt of this order ;
- b) The respondent No.2, on receipt of such representation, shall decide it by passing a reasoned and speaking order within a period of six weeks after filing of the representation.

3. That the applicant vide his representation dated 14/09/2018 has prayed as under :-

- a) Intimate the applicant whether the reserved category candidates who have qualified at their own merit have been adjusted against the SC category or against UR category;
- b) Declare/disclose the Merit list prepared for the post of Assistant Engineer (Civil) and Junior Engineer (Civil) for Post code-02/12, 03/12 and 04/12 and the position of the applicant in the said list. If the applicant is found fit and within the zone of consideration for any of above post code, he may be considered for appointment to the post and the applicant may be issued with appointment order with all consequential benefits accruing there from.

4. As per advertisement No.2/2012, the vacancies advertised under SC category are 02 vacancies for Post Code-02/12; 03 vacancies for Post Code-03/12 and 06 vacancies for Post Code-04/12.

5. As per Section-B (Examination Scheme for Post Codes 02/12 to 165/12) in advertisement No.02/2012, it has been clearly mentioned that DSSSB will conduct a combined part I Preliminary Examination (Objective type) of 01 hour duration and Part-II, Main examination (Descriptive type) of 02 hrs. duration together a testing duration of 03 hours in one go. Further, part I Preliminary Examination (Objective type) will be qualifying nature for short listing the candidates. Final list will be prepared on the basis of performance of Short-listed candidates (marks secured) in part II only.

6. As per scheme of Examination, the Main examination for Assistant Engineer has two parts i.e. Part-I of 200 marks (80%

weightage) and Part-II – Main examination (Descriptive type) was of 50 marks (20% weightage) while there was no percentagewise weightage for the post of Junior Engineer and marks were calculated out of 200.

7. As per record, the marks scored by Shri Rakesh Kumar Kamal (Roll No.84026068) for the post of junior post and Assistant Engineer are as under :-

S.N .	Post Name/Post Code	Part-I (without weightage)	Part-I (with weightage)	Part-II (without weightage)	Part-II (with weightage)	Total Marks
1.	Assistant Engineer / 02/12 & 03/12	53.5	21.73	26	10.4	32.13
2.	Junior Engineer / 04/12	-	-	-	-	64.5

8. Further, the cut off marks of last selected candidates for different categories for above said post codes are as under :-

Post Code	UR	OBC	SC	ST
02/12	41.56	NIL	33.24	No Vacancy
03/12	46.85	43.20	39.04	No Vacancy
04/12	81.00	70.00	82.00	No Vacancy

9. It is evident from above said record the marks scored by Shri Rakesh Kumar Kamal is lower than the cut off marks under SC category, so his candidature cannot be considered for any of the above said posts.

10. As far as contention of Shri Rakesh Kumar Kamal whether the reserved category candidates who have qualified at their own merit have been adjusted against the SC category or against UR category is concerned, there was no such case. However, under post code 04/12 the merit for SC category is higher than UR category because some candidates applied under SC category has qualified preliminary exam in SC category only and scored higher than UR category candidates in main exam. They cannot be shifted under UR category as in that case they had to be considered under UR category in preliminary exam itself making them unqualified for main exam. Thus, they were shortlisted in SC category.

11. This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble CAT.

12. Let this order be served upon Sh. Rakesh Kumar Kamal.

Dy. Secretary, DSSSB "

2. In view of the above, the CP is closed. Notice issued to the respondent is discharged. The applicant shall be at liberty to challenge the aforesaid order dated 26.09.2019, if so advised, in accordance with law.

(ARADHANA JOHRI)
Member (A)

(R.N.SINGH)
Member (J)

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