

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.2831/2015
MA NO.2513/2015

New Delhi, this the 12th day of December, 2019

Hon'ble Mr. S.N.Terdal, Member (Judicial)
Hon'ble Mr.A.K. Bishnoi, Member (Administrative)

1. Vishwender Singh Dagur,
Age-25 Years, Designation-Unemployed,
S/o Sh. Bhageerath Singh, R/o-Village & Post-Khedi
Haiwat, Teh- Hindaun City, District Karuali, Rajasthan.
2. Puran Mal Yadav,
Age 28 Years, Designation-Unemployed,
S/o Sh. Ram Kishore Yadav, R/o Village-Dissa, Post -
Kaladera, Teh. Amer (Jaipur), Rajasthan.
3. Mukesh Kumar,
Age-27 Years, Designation-Unemployed,
R/o Village - Bhordon Ka Bas, Teh-Dantaramgarh, Distt.
Sikar Rajasthan.
4. Murli Dhar Gujar,
Age 29 Years, Designation-Unemployed,
R/o Village & Post -Jodhula, Via-Maid, Teh. Virat Nagar,
District-Jaipur, Rajasthan
5. Ashok Kumar Saini,
Age-26 Years, Designation-Unemployed,
S/o Sh. Lal Chand Saini,R/o Village & Post -Harsola (Mora
Ki Dhaani) Teh. Bansur, District- Alwar, Rajasthan.
6. Ramkumar Singh Dhaka,
Age-34 Years, Designation-Unemployed,
S/o Sh. Hanuman Singh Dhaka,
R/o Village & Post-Netarwas, Via-Dhod, District-Sikar,
Rajasthan.
7. Satish Kumar Jangid,
Age-26 Years, Designation-Unemployed,
S/o Sh. Jamna Lal Jangid,
R/o- Khandela Road, Opposite Maszid, Vllage & Post -
Palsana, Teh.-Dataramgarh, District-Sikar, Rajasthan.

–Applicants

(By Advocate: Ms. Jyoti Moni for Mr. Vijandra Mahndiyan)

Versus

1. Delhi Subordinate Services Selection Board,
FC-18, Institutional Area, Karkardooma, Delhi-110302
Through its Secretary/Chairman
2. Govt. of NCT of Delhi
Through its Chief Secretary, New Secretariat, I.P. Estate,
New Delhi. – Respondents

(By Advocate: Ms. Purnima Maheshwari)

ORDER (ORAL)

By Hon'ble Mr. S.N. Terdal, Member(J):-

Learned proxy counsel for the applicants sought pass over in the first round and in the second round she seeks some more time. We heard Ms. Jyoti Moni for Mr. Vijandra Mahndiyan, learned counsel for the applicants and Ms. Purnima Maheshwari counsel for the respondents as well in this matter under rule 15 of the Central Administrative Tribunal (Procedure) Rules 1987 and perused pleadings and all the documents available on record.

2. The relief(s) prayed for in this OA are as follow:-

" a) A direction commanding the Respondent No.1 to treat the applicants as OBC for grant of reservation benefits and further direct the respondent to issue joining letters to the applicants for joining their duty forthwith with notional benefits from the date of their batch mates joined duty and all consequential benefits.

b) A direction for quashing the Clause No.6(iii) of Advertisement No.01/13 being illegal, arbitrary, unjust, discriminatory and in violation of the principles of equity, natural justice and good conscience and principle of estoppel and against the legal and fundamental rights of the applicants.

c) issue direction calling for the record of the case and peruse the same;

d) A direction commanding the Respondent No.1 to pay the costs of this petition to the applicants.

e) Any other order or direction as this Hon'ble Tribunal may deem fit in the nature and circumstances of the case and in the interest of justice."

3. The relevant facts of the case are that advertisement was issued for the post of Staff Nurse by the respondents in the year 2013 and the applicants have applied for the said post under OBC category. As per the advertisement, it was clearly stated in para 6 of the advertisement that the candidates claiming reservation benefits under OBC category should submit OBC certificate issued by the Govt. of NCT of Delhi. The relevant para is extracted as below:-

" 6. Reservation Benefits

(i) Reservation benefits will be available to the SC/ST/OBC/Physically Handicapped & other special category candidates in accordance with the instructions/ orders/ circulars issued from time to time by the Govt. of Delhi. The reservation benefits under SC/STs shall be admissible as per judgment dated 12/09/2012 of Hon'ble High Court of Delhi as passed in No. 5390/2010, CM No. 20815/2010- Deepak Kumar and Ors vs. District and Sessions Judge, Delhi and Ors. as per which SC/ST candidates of other States / U.Ts shall also be eligible for reservation benefit. However this shall be further subject to policy decision of Govt.of Delhi for SC/ST migrants of other States.

(ii) Candidates who wish to be considered against reserved vacancies and /or to seek age relaxation, must be in possession of relevant certificates issued to them on or before the closing date by the competent /notified authority (in prescribed format) otherwise their claim for SC/ST/OBC/Physically Handicapped /Ex-Servicemen & other special category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies if eligible otherwise.

(iii) The OBC candidates must be in possession of filled prescribed Annexure 1, along with his/her caste certificate issued by the Govt of Delhi only."

However, the applicants had not filed OBC certificate issued to them by the Govt. of NCT of Delhi.

4. In view of the same, the applicants were treated under UR category and not under OBC category. From the perusal of the OBC certificate produced by the applicants at Annexure 8 (colly), it is clear that none of them submitted to the respondents OBC certificate issued by the Govt. of NCT of Delhi.

5. In view of the above, there is no merit in this case and hence dismissed. No order as to the costs.

(A.K.Bishnoi)
Member(A)

(S.N. Terdal)
Member (J)

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