

**Central Administrative Tribunal  
Principal Bench**

OA No. 1254/2018

New Delhi, this the 1<sup>st</sup> day of November 2019

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

Pooja Rai aged about 27 years,  
D/o Subash Chandra Rai,  
R/o Village Barahata, Post Farsar Bharailganj,  
Distt. Gorakhpur, U.P.

... Applicant

(By Advocate: Sh. S.K.Mishra)

**VERSUS**

1. Delhi Subordinate Services Selection Board,  
Through its Secretary  
FC-18, Institutional Area,  
Karkardooma, New Delhi.
2. Directorate of Education  
Through Director of Education,  
Govt. of NCT of Delhi,  
Old Secretariat Building,  
Civil Lines, Delhi-110054.
3. Govt. of NCT of Delhi  
Through its Chief Secretary,  
Delhi Secretariat, Near ITO,  
New Delhi.

... Respondents

(By Advocate: Sh. Jagdish N.)

**ORDER (ORAL)**

***Hon'ble Sh. R.N.Singh, Member (J)***

The present application has been filed by the applicant challenging the result notice no.584 dated 22.12.2017 (Annexure

A-1), notified by the respondent no.1 vide which the respondent no.1 has declared result of provisionally selected candidates to the post of PGT (Hindi) (Female) and has also cancelled the candidature of the applicant for want of uploading e-dossier by her. The grievance of the applicant is that she could not upload her e-dossier in spite of having scored marks to be in the zone of consideration for appointment to the said post on account of wrong information given by the respondents on her e-mail to the extent that in place of quoting the correct post code, i.e., 136/12, the respondents have quoted 137/12.

2. In the aforesaid background, the applicant has prayed for the following reliefs:

“(i) Quash the impugned decision taken by respondent no.1 cancelling the candidature of applicant for the post of Post Graduate Teacher (Hindi) (Female).

(ii) Issue direction directing the respondent no.1 to rectify its error of e-mail message sent to applicant for furnishing e-dossier for wrong post code of 136/12 instead of 137/12 and to give opportunity to applicant to upload her documents in e-dossier module for rectified post code 137/12 PGT Hindi instead of 136/12 PGT Hindi.

(iii) This Hon’ble Tribunal be pleased to direct the Respondent No.1 to include the name of applicant in the result notice and declare her as provisionally selected candidate to the post of PGT (Hindi) Female.

(iv) Such other reliefs as this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the case;

(v) Award cost of contesting the original application in favour of the applicant and against the respondents.”

3. In response to the notice of this Tribunal, the respondents have filed reply affidavit and subsequently the applicant has filed

the rejoinder affidavit. The respondents have also filed a short affidavit on 01.11.2019 vide diary no.7321.

4. The learned counsel for the applicant argues that though it was incumbent upon the applicant to upload her e-dossier within the time frame stipulated by respondent no.1, however, as the applicant received an e-mail in this regard quoting wrong post code, i.e., 136/12 in place of 137/12, she could not upload the e-dossier and the respondents have admitted this bona fide mistake. He further argues that on account of admitted mistake on part of the respondents, the applicant is not liable to suffer in the matter of consideration for appointment to the post, more particularly when the applicant has scored more marks than many of the candidates selected by the respondents. Learned counsel for the applicant further argues that the applicant had prayed for interim order to keep one post of unreserved category for the post of PGT (Hindi) (Female) vacant in the Directorate of Education under the post code 136/12 in response to advertisement no.02/2012 and when the same was not granted by this Tribunal, she filed one MA bearing No.1965/2018 which was dismissed by this Tribunal vide order dated 19.11.2018. The applicant could not take steps to challenge such orders of this Tribunal on account of financial distress. In this background learned counsel for the applicant submits that the applicant is entitled to be included in the result notice of provisionally selected

candidates to the post of PGT (Hindi) (Female) with all consequential benefits.

5. *Per contra*, learned counsel for the respondents, though does not dispute applicant's participation in the relevant selection process held by respondent No.1 for the aforesaid post of PGT (Hindi) (Female), however, submits that the marks of Tier-II examination were declared vide notice no.545 dated 05.10.2017 and uploaded in the respective login id of the candidates on OARS module. Applicant has scored 148.25 marks in Tier-II examination. He further submits that in view of the performance in Tier-II examination held on 26.06.2016, 163 candidates were provisionally allowed to upload e-dossiers in the ratio of 1:2 of the advertised vacancies subject to attaining minimum qualifying marks and correctness of the information furnished by the candidates in their online application forms/OARS. The applicant was also shortlisted in OBC category and was directed to provide her details and to upload requisite documents in the said link. The e-dossiers link was active from 10.10.2017 to 25.10.2017. He further invites our attention to the reply affidavit on behalf of the respondents wherein it has been asserted that in the notice no.545 dated 6.10.2017, it was categorically mentioned that in case of non-compliance of the instructions regarding uploading of the e-dossiers, the candidature of the candidate is liable to be cancelled/rejected. Learned counsel further submits that the

applicant was required, in view of the stipulation made by the respondents in the notice, to upload her e-dossier within the time stipulated. He argues that the uploading of the documents was to be done online without there being any need for the candidate to appear before the Board and the same could have been uploaded from anywhere without any need of being present in Delhi. He also informs that out of 163 candidates called upon for uploading the dossiers, 155 candidates have provided their documents and applicant has failed and neglected to do the same.

6. The applicant in her rejoinder has reiterated the submissions made in the OA.

7. Learned counsel for the respondents, on the basis of short affidavit filed on behalf of the respondents on 01.11.2019, submits that besides the instructions given in notice no.545 dated 6.10.2017, the applicant was also informed of such instructions by way of SMS sent on her registered mobile number. As per e-dossiers master page (Annexure R-1) of OARS for the said post code 137/12, the contents of SMS sent on registered mobile number with OARS of the candidate were correct and are reproduced below:

*“Please ensure to furnish your e-dossier for postcode 137/12 PGT Hindi in dsssbonline.nic.in latest by 25.10.2017”*

8. Respondents, in para-3 of the affidavit filed on 01.11.2019, have asserted that selection in the relevant post code 137/12 stands closed and out of 78 notified vacancies, 77 vacancies have already been filled up and the candidature of only one candidate in VH category is pending. Learned counsel for the respondents further argues that the instructions to the candidates by way of SMS and e-mail were in addition to the notice being in public domain and applicant was required to be in touch with such notification and once the information was correctly given in the aforesaid notice being in public domain and in SMS, the applicant cannot derive any benefit out of quotation of wrong post code, i.e., 136/12 instead of 137/12.

9. The learned counsel for the respondents has further placed reliance upon the order dated 25.03.2019 of the Hon'ble High Court in WP(C) No.2892/2019, titled **Pushpendra Singh Parnami v. Delhi Subordinate Services Selection Board** and submits that the Hon'ble High Court has observed as under:

“the petitioner is that he belongs to a very remote area in the State of Rajasthan and due to lack of internet connectivity and his illness he could not learn about the result declared by the DSSSB on its website. We are unable to accept this submission. The petitioner while applying for the post of PGT (History) was well aware that the result of the written examination would be uploaded by the DSSSB on its website and it was for the petitioner to track the same and to respond in terms of the advertisement issued by the respondent.

Having missed the bus, he cannot be permitted to submit his documents/e-dossiers after the cut-off date. If such relaxation were to be granted to one candidate, it would be discriminately in respect of others, who may have similarly missed the bus and

this would render the entire process undertaken by the DSSSB as open end.”

10. He further also placed reliance upon the judgment dated 22.04.2019 of the Hon’ble High Court in WP(C) No.4085/2019 and therein the Hon’ble High Court has observed as under:

“..... The Tribunal has found and we agree with the said findings, that if the petitioner is permitted to upload her e dossier after the closing of the scheduled period, the same would amount to discrimination against others, who may have similarly not been able to upload their e-dossiers by the notified date.... Merely because the petitioner claims that she was pregnant or out of town is no ground for extension of time as the selection process which is undertaken on a very large scale, cannot be delayed or withheld on account of the circumstances of a particular candidate.”

11. We have perused the pleadings on record and have also considered the submissions made by the learned counsels appearing on behalf of the parties.

12. There is no dispute that instructions issued to the candidates vide aforesaid notice no.584 dated 22.12.2017 to upload the e-dossiers within time stipulated therein, were in the public domain and it was incumbent upon the applicant from the very beginning to check the status of the examination by using the password. There is no proof on record that wrong post code was informed to the applicant even by way of SMS. Therefore, we have no reason to disbelieve the assertions made by the respondents that correct post code was mentioned by them in the SMS sent to the registered mobile of the applicant. Besides, it is also brought

on record by the respondents that the selection process for the concerned post has been closed inasmuch as all the vacancies have been filled up except one which is pending for VH category candidate.

13. In view of such facts and the judgments of the Hon'ble High Court of Delhi, referred to hereinabove, being binding upon this Tribunal, we are of the view that the OA is devoid of any merit. It is accordingly dismissed. No costs.

( Aradhana Johri )  
Member (A)

( R.N.Singh )  
Member (J)

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