

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 2263/2019

This the 22nd day of October, 2019

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. Ashish Kalia, Member (J)**

Renu Mann, Aged about 37 years, Group 'B',
D/o. Sh. Narsing Mann
W/o. Sh. Mandeep Singh
R/o. H. No. 18 A, Kirari, Suleman Nagar,
Sultanpur, Delhi – 86.Applicant

(By Advocate : Mr. Ajesh Luthra)

Versus

1. GNCT of Delhi
Through its Chief Secretary,
5th Level, 'A' Wing,
Delhi Secretariat,
IP Estate, New Delhi.
2. Delhi Subordinate Services Selection Board (DSSSB)
Through its Chairman,
FC-18, Karkardooma Institutional Area,
Delhi-92.
3. South Delhi Municipal Corporation
Through its Commissioner,
9th Floor, Civic Centre,
New Delhi.Respondents

(By Advocate : Mr. Amit Anand)

ORDER (ORAL)

Mr. Pradeep Kumar, Member (A) :

The applicant herein had applied for the post of Teacher (Primary) in MCD, against the Post Code No.16/17, which was notified vide advertisement No. 2/2017 dated

07.08.2017. The applicant has the educational qualification prescribed for the post and she cleared the written examination and as per requirement she was required to upload the documents on E-Dossier mode. The applicant submits that she was able to upload all the requisite documents within the time allowed. Thereafter, the result of the exam was published vide result notice No. 773 dated 28.03.2019. In respect of the applicant, the result indicated that “DCF and caste certificate required” (DCF stands for Departmental Candidate Form).

2. The applicant tried to upload the DCF and Caste Certificate documents. As per instructions Admit Card was also to be uploaded along with these two certificates to act as a link document. However, only two documents could be uploaded by her i.e., admit card and caste certificate. But she was unable to upload the DCF certificate, as the official website did not accept the same. The applicant has placed on Record photocopy of the screen shot which indicates “dsssbonline.nic.in “No any Recalled Documents”. Immediately thereafter she made a written request to DSSSB regarding Non-Acceptance of the DCF documents and the same was delivered also in the office of DSSSB on 11.04.2019 along with the physical copy of DCF.

However, the applicant was finally rejected being over aged and this is the grievance ventilated in the instant O.A.

3. The respondents have submitted in their counter reply which indicates as under :-

“That the contents of corresponding para are matter of record and other averments are wrong and denied, as at the time of processing the result, he was found “Not eligible” due to ‘overage’ as per RR of User Department. The applicant failed to upload certificate regarding age-relaxation as DCF (Over age)”.

4. The applicant pleaded in this O.A that since the DCF certificate was not taken into account, she has been declined the benefit of age relaxation available to departmental candidates and has been declared overage.

5. On the other hand, the respondents have drawn our attention to O.M issued by DoP&T on 27.02.2012 which indicates as under :-

“5 years (for posts which are in the same line or allied cadres and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of post.”

It was pleaded that the applicant herein, as per the DCF certificate, applicant was working as Statistical Clerk in the SDMC, which is not the requisite experience for the post of Teacher to allow any age relaxation in terms of this DoP&T OM dated 27.02.2012.

6. The respondents had relied upon a judgment of the Hon'ble High Court of Delhi in W.P. (C) No. 4085/2019 delivered on 22.04.2019. A Division Bench in the matter of **Mrs. Jyoti Vs. Delhi Subordinate Service Selection Board and Anr.** In this case, Mrs. Jyoti was unable to upload any of her documents in the time allowed. Her O.A was dismissed by the Tribunal and thereafter Hon'ble High Court also dismissed the Writ. This judgment is not applicable in the present case as she did not upload her documents, as she was pregnant and the Hon'ble High Court has not extended the time.

7. The other judgment cited is W.P. (C) No. 6776/2019 decided on 12.06.2019 in **Savita Vs. Delhi Subordinate Service Selection Board and Anr.**, In this case, Ms. Savita was unable to upload some of the documents in time and made efforts to submit the same in physical form to DSSSB but to no avail. In this case also, the Hon'ble High Court has rejected the case.

8. Matter has been heard. Mr. Ajesh Luthra represented the applicant and Mr. Amit Anand represented the respondents.

9. In the instant case, certain discrepancies were only in the E-Dossiers and all documents were not uploaded and the applicant made an effort but she was unsuccessful she had also physically delivered the DCF certificate to the DSSSB within the time. Recently in one case, the Apex Court has held that the caste certificate can be deposited within reasonable time even after cut off date also and the candidate can be allowed to join the post provisionally subject to deposit of caste certificate. Hon'ble Court has held that the Constitution mandated the age relaxation to the oppressed section/class of the society, this relaxation cannot be taken away due to late submission of the caste certificate.

10. In the instant case also, DCF enables the candidate to get age relaxation and she did submit the DCF certificate in physical form to DSSSB office within the time allowed for uploading, when her efforts to upload it did not succeed.

11. Under the circumstances, the plea taken by DSSSB declining to take the DCF certificate into account is not acceptable.

12. We hereby direct the respondent DSSSB to take all relevant factors into account and decide the case of the applicant by passing a speaking and reasoned order and communicate to the applicant in this regard, preferably within a period of six weeks. In case grievance of the applicant still remains, she is at liberty to approach this Tribunal again. No costs.

(Ashish Kalia)
Member (J)

(Pradeep Kumar)
Member (A)

/Mbt/