



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 3650/2018
MA 2544/2019
MA 3167/2019
MA 3166/2019

Reserved on 04.12.2019
Pronounced on 13.12.2019

Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Ms. Varsha Sirohi,
Appointment for Post- Asstt. Teacher
(Primary), Group 'B',
(Aged about -24 yrs),
D/o Shri Ranjeet Sirohi,
R/o H. No. 13, Police Colony,
Near Lajpat Nagar III Police Station,
New Delhi-110024

... Applicant

(By Advocate: Mr. M.D. Jangra)

VERSUS

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Govt. NCT of Delhi,
New Secretariat, I P Estate,
New Delhi.
2. Delhi Subordinate Service Selection Board,
Through its Chairman,
FC-18, Institutional Area,
Karkardooma, Delhi.
3. The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi.

... Respondents

(By Advocate: Mr. Anuj Kumar Sharma)



ORDER

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

We have heard Mr.M.D.Jangra, counsel for applicant and Mr. Anuj Kumar Sharma, counsel for respondents, perused the pleadings and all documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- “(i) To treat the candidature of the applicant as valid on the basis of her application as submitted on “Online Application Registration System (OARS)” on 15.01.2018 i.e. before the closing date of 31.01.2018 for the post of Asstt. Teacher (Primary) Post Code 89/17 against her registration No. 1812199461797262009.
- (ii) To declare the action of the respondents in showing the status of applicant’s application as “Application Not Received in Board due to Pending Final Submit by Candidate” as illegal and issue appropriate directions to treat the application of the applicant as valid application and consider her claim for appointment to the post of Asstt. Teacher (Primary) Post Code 89/17 on the basis of her performance in the selection process initiated vide advertisement No. 04/17.
- (iii) To allow the OA with exemplary cost.
- (iv) Any other orders may also be passed as this Hon'ble Tribunal may deem fit and proper in the existing facts and circumstances of the case.”



3. The relevant facts of the case are that pursuant to Delhi Subordinate Service Selection Board (DSSSB) advertisement number 03/17, the applicant registered on the website of the respondents' on online application registration system for two post codes, namely, 81/17 and 89/17. She got registration number as well. But, however, as per the instructions available on the website, the applicant had to apply for the posts after registration. The counsel for the respondents submitted at the time of hearing that the instructions available on the website specifically instruct the candidates that after they have registered on the website they can apply for the various posts subsequently. The relevant instructions are extracted below:-

"Instructions:

1: The fields with *mark are mandatory.

2: #In case, 10th Roll No. is in Alphanumeric, then use only numeric characters of the Roll No. For example, if your Roll No. 12CSO204, then use 120204.

3: Candidate can apply for various posts only after registration. After registration, candidate is required to the quote regn. No. and his/her password for further accessing the online system.

4: At least one of the fields among Father Name/Mother Name/Spouse Name is mandatory."

Applicant without applying specifically against the post code as desired by her, she tried to ascertain her status on the



website on 11.07.2018 and when she came to know that her application was not received by the Board due to not submitting the application along with the post code as such she received her status as application not received in board "Pending Final Submit by Candidate" as per screen shot submitted by the applicant as Annexure A-4.

4. The counsel for the applicant on 25.09.2018, on the date of admission of this OA, submitted that the examination was scheduled on 06.10.2018 and in spite of she having submitted the application she was not given admit card to appear for the examination. This Tribunal without hearing the other side by way of interim order on 25.09.2018 directed the respondents to issue admit card to the applicant provisionally so as to enable her to appear in the examination provisionally and it was made clear that her participation in the examination will not confer any right or equity in her favour and further her result was directed to be kept in sealed cover.

The relevant portion of the order is extracted below:-

"2. Considering the fact that the written examination is going to be held within a fortnight and also taking into account the fact that the applicant has already been granted registration number, we grant interim relief as prayed for. The DSSSB (Respondent No.2) is directed to issue admit card to the applicant and allow her to participate in the written examination provisionally. We, however, make it clear that such provisional participation in the written examination will not confer any right or equity in favour of the applicant. The result of the applicant



shall be kept in sealed cover and shall not be declared without leave of the Tribunal.

3. Issue notice to the respondents

4. Shri Anuj Kumar Sharma accepts notice on behalf of the respondents. Let reply be filed within four weeks. Rejoinder be filed within two weeks thereafter."

The counsel for the applicant vehemently and strenuously submitted that the applicant had got the registration number and she has appeared for the examination also and she has got more marks than the cut off marks yet the respondents are not taking steps for her appointment.

5. The counsel for the respondents equally vehemently submitted that when the applicant had not submitted her application with respect to specific post code as required under the instructions available on the website she was not entitled even to appear for the examination and she was allowed provisionally because of the interim order passed by this Court. In their counter affidavit also they have specifically stated about the same in the following paras:

"Further, the applicant has filed the Annexure-III along with the O.A in order to confuse the Hon'ble Tribunal, in so far as that for appearing/applying for any Post Code registration of candidates is a compulsory procedure, whereby a Registration Number along with OARS long in/pass word is generated in respect of the candidate desirous of applying for the various posts advertised by the Respondent Board from time to time. A candidate



thereafter can apply for different post codes and the details filled in the registration form appear in the format for applying during filling up of various posts automatically by indicating the Registration number. However, the different posts require different other fields like educational qualification etc. to be filled up for generating the Admit Card of that particular post code for which the candidate applies. Therefore, there is a clear cut distinction in getting registration in OARS portal vis-à-vis applying for a particular post code. In the present case, as the applicant failed to click the complete/submit button, she had thereby failed to apply for the said post code and no Admit Card could have been generated in her favour through the automated system;

B. In the grounds of the OA in sub-para (f) she had herself admitted that she could not get her Admit Card generated, which is evident from the submission made herein above and admittedly the Hon'ble Tribunal had allowed the applicant only interim relief to the candidate vide order dated 25.09.2018, whereby it was directed that she be issued Admit Card, but it was only to be a provisional participation in written examination and would not confer any rights upon the applicant.

3. The Respondent Board as per the prescribed policy and procedure has started the process of short-listing the candidates who have been found successful, having applied by adopting the necessary methods and means for seeking entry into the examination process by filling up their application form and submitting the same on to the Board and in contrast thereto the applicant has never applied for the said post code as per her own admission. Therefore, the question of her uploading the e-dossier does not arise."

Counsel for the respondents in support of his contention relied upon the order passed by this Tribunal dated 11.10.2018 in OA No. 3779/2018 (**Dimple Verma Vs. DSSSB through the Chairman**), the relevant portion of which is extracted below:



"4. Mr. Sharma has also produced a copy of the downloaded form in this regard. He also drew our attention to Annexure A-1 of the OA wherein the status of the application has been indicated as "Application Not Received in Board due to Pending Final Submit by Candidate". From Annexure A-1 also, we find that the contention of learned counsel for respondent is getting corroborated.

5. In the conspectus, we are of the view that the applicant never submitted her application in complete form, and as a result of which, she does not deserve the reliefs that she has prayed for in the OA."

7. In view of the facts and circumstances narrated above and in view of the clear instructions of DSSSB extracted above and in view of the policy of the DSSSB of the respondent stated in the reply affidavit extracted above and in view of the order passed by this Tribunal in an identical matter extracted above, the OA is without any merit.

8. Accordingly, the OA is dismissed. MAs pending, if any, stand disposed of. No order as to costs.

**(Aradhana Johri)
Member (A)**

**(S.N.Terdal)
Member (J)**

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