
(2021) 11 CAT CK 0050

In the Central Administrative Tribunal

Case No : Original Application No. 2625 Of 2021, Miscellaneous Application No. 3256 Of 2021

Nishant Verma

APPELLANT

Vs

Delhi Subordinate Services Selection Board & Others

RESPONDENT

Date of Decision : 29-11-2021

Acts Referred:

Citation : (2021) 11 CAT CK 0050

Hon'ble Judges : Manjula Das, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Naveen Raheja, Amit Yadav

Final Decision : Disposed Of

Judgement

Manjula Das, J

1. The present OA is filed by the applicant seeking following reliefs:-

"a. Direct the Respondent No.1 to declare the result of the applicant base on the aggregate marks obtained in Section A & B papers of Physical Education Teachers under the post code 87/20, held pursuant to Advt. No. 04/20;

b) Direct both the Respondents to prepare final merit list including the name of the applicant and grant him joining from back date, in case found successful.

c) Award costs of the proceedings; and/or

d) Grant any other relief which the Tribunal may deem fit and proper in the facts and circumstances of the present case."

2. The grievance of the applicant is that his name has not been included in the list of shortlisted candidates, announced by respondent No.1 i.e. Delhi Subordinate Services Selection Board (DSSSB) for the post code 87/20 (Physical Education Teachers) [PETs]. The result of online written exam was declared through notice issued on 01.12.2021. It is submitted by the applicant that

despite scoring 75.78 marks, over and above the cut off marks of 71.56 in the OBC category, he did not find place in the shortlisted candidates. Feeling aggrieved, applicant submitted an undated representation to respondent No.1 (Annexure A-1) which was received by them on 08.11.2021 as per the postal receipt attached by the applicant at Annexure A-9. A copy of the said representation was also endorsed to the Lt. Governor of Delhi, Chief Secretary, Government of NCT of Delhi, Chairman, DSSSB and Director, Directorate of Education, Delhi. It is further submitted by the applicant that the condition to qualify Section A & B papers separately is in disregard of the notice dated 28.07.2017, followed by its Corrigendum dated 06.10.2018 whereby Note (i) requiring the concerned applicant for securing minimum qualifying marks in both the Sections separately is not applicable on PETs, as this condition was removed after due examination with reference to office note dated 28.07.2017. As a result of this, the services of the applicants are not being considered at par with the teachers of academic posts.

3. The learned counsel for applicant submitted that earlier also an advertisement of similar nature wherein Note-(i) stipulated the same condition as incorporated in the present advertisement where the applicant is concerned with Post Code 87/20 and by drawing our attention to said Note-(i) was incorporated in the earlier advertisement No. 04/17, which was deleted by the department itself, i.e. the Dy. Secretary, P&P, DSSSB. Accordingly, learned counsel prayed for the similar benefit to be extended in the present case also by declaring that the said condition No.(i) in the "Note" may not be made applicable in pursuance of the selection proceedings under the advertisement No.04/20. According to the learned counsel appearing on behalf of the applicant the cut off marks of the selection for the post of PETs was 71.56, whereas the applicant has secured 75.78 marks altogether in Section A and B. Hence, he is eligible for the selection but for the condition which is for counting the marks separately for qualifying in part A and B, on account of which the applicant was declared unsuccessful. Feeling aggrieved, he made a representation before the authority for redressal of his grievance, but of no avail. Hence this OA.

4. At the outset, learned counsel for the applicants Sh. Naveen Raheja submitted that the applicant will be satisfied if his representation (Annexure A-1) sent to the respondents, may be decided in a time bound manner.

5. Sh. Amit Yadav, learned counsel for respondents has no objection to the prayer made by the learned counsel for applicant.

6. In view of the above, the OA is disposed of with a direction to the respondents to decide the representation of the applicant by passing a reasoned and speaking order, within a period of two months from the date of receipt of a copy of this order, under intimation to the applicants. While doing so, applicant may be given an opportunity of being heard. The above observation/direction has been given without going into the merits of the case. There shall be no order as to costs.

7. Pending MA stands disposed of.