

(2021) 02 CAT CK 0085
In the Central Administrative Tribunal
Case No : Original Application No. 312 Of 2021

Shehnaz Khan

APPELLANT

Vs

Delhi Subordinate Services Selection Board(DSSSB) & Others

RESPONDENT

Date of Decision : 11-02-2021

Acts Referred:

Citation : (2021) 02 CAT CK 0085

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : D.K. Mishra, Esha Mazumdar, Sriparna Chatterjee, R.K. Jain, Sangita Rai

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The Delhi Subordinate Services Selection Board(DSSSB) initiated the process for selection to various posts in the Municipal Corporation of Delhi in

the year 2009. One such post was Primary Teacher(Urdu). The selection process was a bit delayed and the results were declared only on 01.03.2014.

The list of selected candidates was also published and simultaneously a wait list was also published and it was supposed to be in force for a period of

one year i.e. up to 28.02.2015. The DSSSB published the four supplementary result notices between 08.05.2014 and 10.06.2016.

2. The applicant contends that out of the wait listed candidates, one candidate- Abu Bakar, did not join and thereby his e-dossier was returned by the

user department and being the next candidate in the merit list, she was entitled to be considered. Earlier she filed OA No.2243/2019. That was

disposed of on 05.08.2019 directing the respondents to examine the case of the

applicant, and examine the issue as to whether the wait list is still alive and it is possible to consider the case of the applicant if there existed vacancy. A clause was also added to the effect that the consideration shall be only in case there is none before the applicant in the waiting list. On a consideration of the same, the respondents passed an order dated 17.01.2020. It was mentioned that for the UR candidates there exists a wait list of eight candidates and the entire wait list was exhausted by 29.06.2016. It is also stated that the left over vacancies have already been surrendered to the department vide letter dated 08.06.2008. The respondents further stated that the applicant was not included in the wait list at all and that said list has lapsed. It is also mentioned that the applicant secured less marks than the last candidate included in the wait list.

3. This OA is filed challenging the order dated 17.01.2020. The applicant contends that as recently as on 29.09.2020, the East Delhi Municipal

Corporation, the user department has replied stating that the e-dossier of Mr. Abu Bakkar was returned vide letter dated 14.03.2017 to the nodal

Corporation. She contends that the respondents ought to have considered her case against the available vacancy.

4. We heard Mr.G.D. Mishra, learned counsel for the applicant and Ms.Esha Mazumdar, learned counsel for respondent No.1, Ms.Sriparna

Chatterjee, learned counsel for respondent No.2 and Mr.R.K. Jain with Ms.Sangita Rai, learned counsel for respondent No.3.

5. This is the second round of litigation initiated by the applicant, in her attempt to get appointed as an Urdu Teacher. The selection process

commenced way back in the year 2009. However, the list of selected candidates was published only on 01.03.2014. Along with the list of selected

candidates, the respondents have also published the wait list for 10% of the vacancies. According to the norms stipulated by the DSSSB, the life of

wait list is one year from the date of declaration of the results. In the normal course, the life of the wait list in the instant case is up to 28.02.2015.

Fairly enough the respondents issued a supplementary result notice on 10.06.2016. Assuming that the life of the wait list stands extended for one year

from the date of last of the panel it would be upto 09.06.2014. In the impugned order, the respondents have categorically stated that all the candidates

in the wait list were selected and their dossiers were forwarded by

29.06.2016. Thereby the operation of the wait list becomes complete.

6. It is not in dispute that the applicant did not figure in the wait list at all. Law does not recognize a supplementary wait list or a wait list in the second

tier. The question of expanding the scope of wait list does not arise. At any rate, the curtain was drawn by 08.06.2018, and all the remaining vacancies

were surrendered to the concerned departments. Nothing can be done at this state. It must be said to the credit of the officer who passed the

impugned order that he dealt with the matter dispassionately and every development and the orders are referred to, in a systematic manner.

7. We do not find any merit in the OA. It is accordingly dismissed.