

**BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

CP NO. \_\_\_\_/2021

IN

OA NO. 1105/2020

**IN THE MATTER OF**

Reena Dhaiya

...Petitioners

Versus

GNCTD & Ors

...Respondents

**INDEX**

S.NO	PARTICULARS	Pg.No.
1.	COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT DSSSB	1-9
2.	MEMO OF APPEARANCE	10

Date: 17/3/2021 Through  
Place: New Delhi

*Anuj Sharma*

Anuj Kumar Sharma  
Panel Counsel,  
GNCTD  
2C/146, Vasundhara,  
Ghaziabad, UP-  
201012  
9971075016

(0)

**BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

CP NO. \_\_\_\_/2021

IN

OA NO. 1105/2020

**IN THE MATTER OF**

Reena Dhaiya

...Petitioners

Versus

GNCTD & Ors

...Respondents

**COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT DSSSB**

MOST RESPECTFULLY SUBMITTED:

I, K.K. Mishra Working as Dy. Secy., at  
DSSSB, do hereby solemnly affirm and declare as under:-

**BRIEF FACTS OF THE CASE:-**

1. The DSSSB vide its advertisement No. 02/2017 had advertised 4366 vacancies (UR-1610, OBC-1286, SC-714, ST-756 including PH-VH-288) for the post of Teacher (Primary) under post code 16/17, in MCD read with Notice dated 28/07/2017. Later on, in supersession of the vacancy notice for the post code 16/17, Board had advertised afresh **4366 vacancies (UR-1610, OBC-1286, SC-714, ST-756 including PH-VH-381, PH-OH-93) for the post of Teacher (Primary) under post code 01/18 in MCD vide its Advertisement No. 01/2018.**

2. The Board conducted the examinations on 30/09/2018, 13/10/2018, 14/10/2018 and 28/10/2018 for the postcode 16/17 and 01/18.

(2)

3. The candidate Ms. REENA DAHIYA and other applicants applied for the post of Teacher (Primary) in MCD, for the Post Code 16/17 & 01/18. The details of the marks obtained by the applicants are as under:-

S.No.	Name of applicant	Roll Number	Category	Marks obtained by applicant
1.	REENA DAHIYA	2800115252	OBC	107.49
2.	AMIT	2800138440	UR	122.16
3.	MANISHA	2800052880	OBC	108.14
4.	VIKRANT RANA	2800022602	OBC	108.15
5.	ANJU DRALL	2800101153	OBC	108.07
6.	VINOD KUMAR	2800103113	UR	122.88
7.	NAVDEEP YADAV	2800027235	OBC	107.64
8.	MAMTA	2800078202	OBC	107.11

4. On the basis of the marks obtained by the applicants, they were provisionally shortlisted for calling e- dossier for the post code 16/17, 01/18. However, **the applicants were not selected in final merit, being below in merit. Last provisionally selected candidate in OBC category secured 108.39 marks and in UR category 123.04 marks.** The main result for the said post code was declared vide Notice Dated 28.03.2019. Accordingly, the wait list/ Panel was valid for a period of one year i.e. up to 27/03/2020.

5. The applicants filed an O.A. No/1105/2020 in Ld. CAT. In the said OA, the applicant, along with some other applicants prayed for extension of waiting list (reserve panel), till all the unfilled vacancies for the post of Teacher (Primary) (Post Code 16/17 & 01/18).

6. The Ld. CAT, disposed of the said OA No/1105/2020 vide order dated 21/10/2020, as under:-

" 7. ...The appointment cannot be a continuous process, particularly when the selection is made year after year. Even when certain vacancies are left out, they are notified in the subsequent year. However, if the user department itself wants select list or waiting list to be operated beyond the stipulated time, the matter needs to be examined by the DSSSB and it should not have any objection for that purpose. It is also stated that the DSSSB is corresponding with the concerned department in this behalf.

8. We, therefore, dispose of these OAs declining to set aside the impugned order, but directing that in case the user department wants to operate the select list or waiting list referable to the advertisement of the year 2017, necessary steps in this behalf shall be taken by the DSSSB.

9. All the pending the MAs. Shall stand disposed of

*There shall be no order as to costs. "*

7. It may be seen from the above that the Hon'ble court has not given any specific order to DSSSB for compliance except to examine the proposal of User Department, if they want to operate select list/ wait panel beyond the stipulated time. No such proposal has been received from the User Department.

8. In this regard, it is stated that the validity of waiting panel of a number of Post Codes lapsed during lock down period due to COVID-19 pandemic. The working of Govt. Offices, the Public movement/communications etc. were badly affected during the period of Lock Down between 24/03/2020 to 31/05/2020. Considering NDMA Order No. I-29/2020-PP(Pt.II) dated 24.03.2020 and MHA Order No. 40-3/2020-DM-I(A) dated 24.03.2020 vide which the lockdown period came into effect, the date of commencement of lockdown was considered to be 24.03.2020. As regards culmination of lockdown having full restrictions, the



government considered MHA Order No. 40-3/2020-DM-I(A) dated 17.05.2020 & 30.05.2020 and subsequent endorsement by DDMA vide Order No. F. 2/07/2020/S.I/part file/176 dated 18.05.2020 and 01.06.2020 and arrived at the conclusion that the restriction of public transport and intra-state & interstate movement of citizens had been in place till 31.05.2020. Therefore, considering the above aspect, it was decided by the competent authority that waiting panel of those post codes whose validity expired between 24.03.2020 to 31.05.2020 i.e. during the period of lockdown needs to be extended.

9. As regards the closing date by which the dossiers returned by end users are to be reckoned, this was considered taking into account that from 1.6.2020 to 31.12.2020, User Department had sufficient time to complete the process of appointment/verification of nominated candidates and to return the dossiers of those candidates whose candidature was cancelled because of non-acceptance of offer of appointment, non-joining the offered post, found ineligible after verification/medical examination by the appointing authority, resignation after joining, demise of the nominated candidate etc. Therefore, with regard to above subject, it was decided that dossiers received by the Board upto 31.12.2020 in respect of those post codes whose validity expired during the lockdown period be considered for operation of the waiting panel.

10. That in view of above, the Govt of Delhi, at its own, vide Letter No. F.16(3)/DSSSB/2007-S-III/267 Dated 01/02/2021 issued by Services Department (Branch-III), with the approval of competent authority, has decided as under:-

- (i) For those post codes whose validity expired between 24/03/2020 to 31/05/2020, i.e. during period of lock down, be extended up to 31/12/2020.

(ii) Dossiers received by the Board up to 31/12/2020 in respect of those post codes whose validity period expired during lock down period, which were defined as per (i) above will be considered for operation of waiting panel.

11. The main result of the said post code was declared on 28/03/2019 and the waiting panel was valid for one year i.e. up to 27/03/2020 which falls during lock down period. Hence, in pursuance of the extension of validity of the waiting panel, vide letter No. F.16(3)/DSSSB/2007-S-III/267 Dated 01/02/2021, issued by Services Department (Branch-III) of GNCTD, the preparation of a supplementary result to fill the vacancies arising out of dossiers of the said post code returned by the User Department before 31/12/2020 is under process. Those applicant candidates who may come in merit may be considered in the instant recruitment process.

12. PARAWISE COMMENT:-

1. Wrong and denied as the Hon'ble court has not given any specific order to DSSSB for compliance except to examine the proposal of User Department, if they want to operate select list /wait panel beyond the stipulated time. No such proposal has been received from the User Department. In this regard, it is stated that the validity of waiting panel of a number of Post Codes lapsed during lock down period due to COVID-19 pandemic. The working of Govt. Offices, the Public movement/communications etc. were badly affected during the period of Lock Down, between 24/03/2020 to 31/05/2020. Considering NDMA Order No. I-29/2020-PP(Pt.II) dated 24.03.2020 and MHA Order No. 40-3/2020-DM-I(A) dated 24.03.2020 vide which the lockdown period came into effect, the date of commencement of lockdown was considered to be 24.03.2020. As regards culmination of lockdown having full restrictions, the government considered MHA Order No. 40-3/2020-DM-I(A) dated 17.05.2020 & 30.05.2020 and subsequent endorsement by DDMA vide Order No. F.

(6)

2/07/2020/S.I/part file/176 dated 18.05.2020 and 01.06.2020 and arrived at the conclusion that the restriction of public transport and intra-state & interstate movement of citizens had been in place till 31.05.2020. Therefore, considering the above aspect, it was decided by the competent authority that waiting panel of those post codes whose validity expired between 24.03.2020 to 31.05.2020 i.e. during the period of lockdown needs to be extended.

As regards the closing date by which the dossiers returned by end users are to be reckoned, this was considered taking into account that from 1.6.2020 to 31.12.2020, User Department had sufficient time to complete the process of appointment/verification of nominated candidates and to return the dossiers of those candidates whose candidature was cancelled because of non-acceptance of offer of appointment, non-joining the offered post, found ineligible after verification/medical examination by the appointing authority, resignation after joining, demise of the nominated candidate etc. Therefore, with regard to above subject, it was decided that dossiers received by the Board upto 31.12.2020 in respect of those post codes whose validity expired during the lockdown period be considered for operation of the waiting panel.

That in view of above, the Govt. of Delhi, at its own, vide Letter No. F.16(3)/DSSSB/2007-S-III/267 Dated 01/02/2021 issued by Services Department (Branch-III), with the approval of competent authority, has decided as under:-

- (i) For those post codes whose validity expired between 24/03/2020 to 31/05/2020, i.e. during period of lock down, be extended up to 31/12/2020.
- (ii) Dossiers received by the Board up to 31/12/2020 in respect of those post codes whose validity period expired during lock down



(7)

period, which were defined as per (i) above will be considered for operation of waiting panel.

The main result of the said post code was declared on 28/03/2019 and the waiting panel was valid for one year i.e. up to 27/03/2020 which falls during lock down period. Hence, in pursuance of the extension of validity of the waiting panel, vide letter No. F.16(3)/DSSSB/2007-S-III/267 Dated 01/02/2021, issued by Services Department (Branch-III) of GNCTD, the preparation of a supplementary result to fill the vacancies arising out of dossiers of the said post code returned by the User Department before 31/12/2020 is under process. Those applicant candidates who may come in merit may be considered in the instant recruitment process.

2.1 to 2.3 Matter of record, need no reply.

2.4 Wrong and denied as the candidate Ms. REENA DAHIYA and other applicants applied for the post of Teacher (Primary) in MCD, for the Post Code 16/17 & 01/18, after that Board issued the Admit Card to the applicants. The details of the marks obtained by the applicants are as under:-

S.No.	Name of applicant	Roll Number	Category	Marks obtained by applicant
1.	REENA DAHIYA	2800115252	OBC	107.49
2.	AMIT	2800138440	UR	122.16
3.	MANISHA	2800052880	OBC	108.14
4.	VIKRANT RANA	2800022602	OBC	108.15
5.	ANJU DRALL	2800101153	OBC	108.07
6.	VINOD KUMAR	2800103113	UR	122.88
7.	NAVDEEP YADAV	2800027235	OBC	107.64
8.	MAMTA	2800078202	OBC	107.11



On the basis of the marks obtained by the applicants, they were provisionally shortlisted for calling e- dossier for the post code 16/17, 01/18. The applicants were not selected in final merit, being below in merit. **Last provisionally selected candidate in OBC category secured 108.39 marks and in UR category 123.04 marks.**

- 2.5 Matter of record.
- 2.6 Wrong and denied as per comments of Para 2.4.
- 2.7 to 2.13 Matter of record.
- 2.14 to 2.15 Wrong and denied in view of Para 1. above.
- 3 to 5. Wrong and denied as per comments of above paras.

**The main result of the said post code was declared on 28/03/2019 and the waiting panel was valid for one year i.e. up to 27/03/2020 which falls during lock down period. Hence, in pursuance of the extension of validity of the waiting panel, vide letter No. F.16(3)/DSSSB/2007-S-III/267 Dated 01/02/2021, issued by Services Department (Branch-III) of GNCTD, the preparation of a supplementary result to fill the vacancies arising out of dossiers of the said post code returned by the User Department before 31/12/2020 is under process. Those applicant candidates who may come in merit may be considered in the instant recruitment process.**

Thus, in view of the above, the directions of this Hon'ble Court has been duly complied with. Accordingly, C.P. needs to be dismissed

**PRAYER:-**

On the basis of the above submissions, it is humbly prayed that the present CP be closed.

  
DEPONENT

Through

Date: 17/3/2021

Place: New Delhi

*Anuj Sharma*

Anuj Kumar Sharma  
Panel Counsel, GNCTD  
2C/146, Vasundhara,  
Ghaziabad, UP-201012  
9971075016

**VERIFICATION**

I, the deponent herein, do hereby verify that the contents of the above reply are true and correct to my knowledge based on official records. Nothing is false therein. Verified at New Delhi on 17/3/2021.

  
DEPONENT