



**Central Administrative Tribunal  
Principal Bench,  
New Delhi**

**O.A. No.1359/2019  
M.A. No.1550/2022  
M.A. No.211/2020**

This the 15<sup>th</sup> day of December 2022

**Hon'ble Mr. Manish Garg, Member (J)  
Hon'ble Mr. Sanjeeva Kumar, Member (A)**

Khushboo Singhal  
D/o Sh. Dinesh Kumar Singhal  
Aged about 26 years  
R/o 178/C Devli,  
New Delhi – 110 062.  
Mob. No.7011401186  
Post: PGT Computer Science  
Post Code: 151/17  
Group –B ,,Applicant

(By Advocate :Mr. Anuj Aggarwal )

**Versus**

1. Delhi Subordinate Services Selection Board (DSSSB)  
Through its Chairman  
Govt. Of NCT of Delhi  
FC-18, Institutional Area  
Karkardooma, Delhi – 110 092.
2. Directorate of Education  
Through its Director  
Govt. of NCT of Delhi  
Old Secretariat Building  
Civil Lines,  
Delhi -110 054. ...Respondents

(By Advocate : Mr. Sameer Sharma)

**O R D E R (ORAL)****Hon'ble Mr. Manish Garg, Member (J):**

The MA No.1550/2022 was filed seeking interim direction in terms of the prayer made in para 9 of the Original Application. With the consent of the parties, the OA itself is taken up for consideration.

2. In the present OA, the applicant seeks the following reliefs :-

“(i) Set aside the impugned Rejection Notice No.393 dated 27.03.2019 whereby the candidature of the applicant (Roll No.110515100143) was rejected by the Delhi Subordinate Services Selection Board (DSSSB) for appointment on the post of PGT Computer Science Female (Post Code 151/17) on the ground – “Teaching experience less than one year (11 months 25 days experience w.e.f.15.07.2015 to 10.07.2016);”

(ii) Declare that the applicant is duly qualified and fulfils all the requisite conditions for appointment on the post of PGT Computer Science Female (Post Code 151/17);

(iii) Direct the respondents to consider the candidature of the applicant for appointment on the post of PGT Computer Science Female (Post Code 151/17) and also direct the respondents to pay/grant to the applicant all the consequential benefits thereof including seniority (as per position in merit), back salary/wages, etc.;

(iv) allow the present Original Application with costs in favour of the applicant; and



(v) pass any other order as this Hon'ble Tribunal may deem proper in the interest of justice and in the favour of the applicant.”

3. In the present matter, the applicant seeks challenging the Rejection Notice No.393 dated 27.03.2019 for PGT (Computer Science) Female Post Code 151/17 in DOE. The applicant was rejected on 27.03.2019 on the ground - “Teaching experience less than one year (11 months 25 days experience w.e.f. 15.07.2015 to 10.07.2016)”. Even though the applicant was OBC category since she was higher on merits, therefore, her candidature was treated as `unreserved' category.

4. The sum and substance of the arguments of the learned counsel for the applicant is that while uploading her dossier, the applicant inadvertently uploaded only one Teaching Experience Certificate wherein the applicant had only taught for 11 months 25 days. It is submitted that the applicant is duly qualified for the post of PGT Computer Science Female (Post Code 151/17) inasmuch as she actually possesses the requisite teaching experience of 1 year. The details of Teaching Experience possessed by the applicant are as follows :-

S. o.	Name of the School	Period	Duration
1.	The Cambridge International School	15.07.2015 to 10.07.2016	11 months 25 days
2.	Mamta Modern Sr. Sec.	15.08.2016 to	1 year 2

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	School	20.10.2017	month 25 days
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5. On that premises, it is submitted by the learned counsel for the applicant that the applicant has been discriminated qua the other candidates where the second opportunity to remove deficiencies was given to them. Our attention has been drawn to notification dated 23.03.2019 where illustratively he has shown that the candidature of some of the candidates is kept pending for the reason mentioned against their name as below :-

S. No.	Roll No.	Documents required in the e-dossier
1	121915100782	Admit card not uploaded
2	110715100046	One year teaching experience required
3	121915100349	OBC (Delhi) certificate required instead of OBC (Delhi) certificate
4	111515100080	OBC (Delhi) certificate required instead of OBC (Central)
5	121915100793	OBC (Delhi) certificate required instead of OBC (Central)
6	121915100239	Certificate of one year teaching experience is required
7	110415100012	The candidate has not uploaded documents in the e-dossier. The documents of educational qualification required in the e-dossier.

6. It is the case of the applicant that she ought to have been granted the similar opportunity as given to the candidates with the above noted roll numbers. Further, it is contention of the applicant that the said opportunity was given on 23.03.2019 prior to four days of the Rejection Notice. It is noticeable fact that the Rejection Order is cryptic and reason assigned is only



that she has less than one year of teaching experience. It is also seen that second opportunity as reflected hereinabove has not been given to the applicant. Even the Rejection Order has not taken into consideration the various representations dated 03.04.2019 and 10.04.2019 which by itself caused gross violation of principles of natural justice.

7. The learned counsel for the respondents would contend that "The applicant have been chosen to upload another document reflects that the applicant was in position of that particular document only and the other document has been produced as an afterthought as is observed from the counter signatures there on by the District Education Officer which is dated 2.4.19, much later on than the date of declaration or result and/or completion of the entire process. The applicant is trying to abuse the process of law and should be put to strict proof for establishing the bonafide of the document she seeks to introduce at this stage. Therefore, granting any kind of relief to this candidate would lead to opening up a pandora's box and many such candidates shall clamour for reopening of their cases and the respondent Board would not be able to close the result in time. Accordingly, the applicant has no case or ground to agitate her case as the rejection has been made strictly in accordance with the procedures and

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based on the documents furnished by the applicant on her own volition.”

8. Having heard the arguments of the learned counsels for both the parties and perused the records.

9. Our attention has also been drawn to an experience Certificate of the applicant issued on 26.12.2017, which reads as under:-

**“ Mamta Modern Sr. Sec. School  
Vill. Rathdhana, Distt. Sonapat-131001 (Hr.)  
(Affiliated to H.B.S.E.)**

Ref. No.MMSSS/145/17

Date 26-12-2017

**TO WHOM SO EVER IT MAY CONCERN**

This is to certify that **Ms. Khushboo Singhal D/o Sh. Dinesh Kumar Singhal** worked as **PGT (Computer Science)** in our School from 15/08/2016 to 20/10/2017. She was a sincere and hardworking teacher of the school and discharged her responsibilities to the best of her abilities. She bears a good moral character since she joined here.

I wish her all success in her life.

Principal  
Mamta Modern Sr. Sec.School  
Rathdhana (Sonapat)

801

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02/04/2019

Distt. Education Officer  
Sonapat”

10. The point urged by the respondents is that there is an endorsement that is 801 dated 02.04.2019 which appears to be an attestation by District Education Officer, Sonapat

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to the Certificate issued by Mamta Modern Sr. Sec. School  
Ref. No.MMSSS /145/17 dated 26.12.2017.

It is also noticeable fact that without even reaching to the stage of verification of documents, the respondents have disputed the above noted certificate.

As mentioned herein above itself, the stage had not have come yet, prima facie, the rejection has been done without following due process of law and without any basis.

11. Learned counsel for the applicant has relied upon the decision, wherein rendered in Writ Petition (C) No.2810/2022 **Tanya Sharma Vs. Delhi Subordinate Services Selection Board & Ors.** decided on 09.05.2022 where similar issue cropped up. The relevant paras 5 & 9 to 13 of the said decision read as under :-

“5. Before the learned Central Administrative Tribunal (“CAT”), the respondent had contended that the petitioner, like other candidates, was granted two opportunities to upload the relevant documents but she defaulted. The impugned order has opined that sufficient opportunity having been afforded to her, the rejection of her candidature on account of non-furnishing of requisite documents, would be interpreted as her not possessing the requisite eligibility. Her O.A. was therefore dismissed in *limine*.

6. x x x x

7. x x x x

8. x x x x

9. From the said communication there is clear admission of error in the rejection of the petitioner’s candidature on the assumption, indeed insistence, of DSSSB that the petitioner had already been given two opportunities to upload the requisite documents in the e-dossier and that she had failed to do so. In the afore-quoted letter of 01.04.2022 DSSSB admits that the



petitioner was not given any such opportunity earlier and the first time that she was given the opportunity was by virtue of the said letter.

10. That being the position, the delay in the processing of the petitioner's case on DSSSB's own erroneous assumption, cannot be to the petitioner's disadvantage. Therefore, her not being paid remuneration for the period for which she would otherwise have been employed and earned salaries should be compensated appropriately. There can be no dispute that the petitioner should be accorded seniority in service as per the merit position.

11. The learned counsel for the respondent submits that the petitioner's appointment will be from the date she is formally appointed after clearance of her medical examination and verification of other documents, her seniority will be as per the merit position in the list of successful candidates, as per procedure. Be that as it may, the petitioner's batchmates were given two opportunities to complete the formalities but she was not accorded any such opportunity. There has been a delay in processing of her documents for no fault of hers. The fault lies in the erroneous, indeed, casual assumption that two opportunities had been granted to her too. The relevant records were not examined by DSSSB. There was lack of diligence to the petitioner's detriment. DSSSB's assumption is negated by its aforesaid admission in the letter dated 01.04.2022. The financial loss having been caused to the petitioner should be compensated in some measure.

12. The petitioner has been constrained to approach the learned CAT as well as this Court. In the circumstances, instead of directing payment of back wages, especially because the petitioner has not joined the services till date, the Court imposes a costs of Rs.50,000/- to be paid to the petitioner by DSSSB, within a period of one month. The petitioner's appointment letter too be issued within the same period.

13. The writ petition is disposed-off in the above terms. The pending applications are also disposed-off."

12. In the light of the aforesaid decision, wherein the Hon'ble High Court of Delhi has itself dealt with the issue no.1 that second opportunity has not been given to the applicant qua the rejection of the claim, though it was given to other candidates as highlighted above which is itself arbitrary and discriminatory in nature as well as irrational. The said aspect has been dealt in para 9 of the



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aforesaid decision. Even otherwise, the principle of natural justice has grossly been violated inasmuch as can be seen for the Rejection Order itself the representations of the applicant have not been dealt with and as such principle of natural justice have not been followed.

13. In that view of the matter, the OA is allowed. The respondents are directed to consider the candidature of the applicant for appointment to the post of PGT (Computer Science) Female, Post Code 151/17 and issue necessary order of appointment subject to verification of the aforesaid certificate, if found, in order and also compliance of other procedural formalities in the unreserved category. However, it is directed that the applicant shall not be entitled to any arrears of pay. The Appointment Order should be issued within a period of three months of receipt of a certified copy of the order, failing which the applicant shall also be entitled to 25% of the arrears of salary. The OA is also allowed with all consequential benefits (such as emoluments) thereto.

No order as to costs.

**( Sanjeeva Kumar )**  
**Member (A)**

**( Manish Garg )**  
**Member (J)**

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