



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

O.A. No. 1669/2022

This the 5<sup>th</sup> day of July, 2024.

**Hon'ble Mr. Manish Garg, Member (J)**  
**Hon'ble Dr. Anand S Khati, Member (A).**

Lal Chand, Aged about 35 years, S/o Sh. Bipat Ram Gupta,  
R/o A-35, Baba Faridpuri, West Patel Nagar, New Delhi-  
110008, Post: TGT (Social Science) (Male), Post Code: 39/21,  
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-110092, Email: dssb-  
secy@nic.in.

2. Govt. of NCT of Delhi, Through its Director of Education,  
Directorate of Education, Old Secretariat Building, Civil  
Lines, Delhi-110054.  
Email ID: [diredu@hub.nic.in](mailto:diredu@hub.nic.in), [diredu@nic.in](mailto:diredu@nic.in)

...Respondents

(By Advocate: Mr. Amit Anand & Mr. Pradeep Kumar)

**O R D E R (O R A L)**

In the instant OA, the applicant is seeking  
the following reliefs:



*“(i) Set aside the impugned Rejection Notice No. 131 dated 28.04.2022, issued by the respondent No. 1/DSSSB whereby at Sr. No. 96, the candidature of the applicant on the post of TGT (Social Science) (Male) (Post Code: 39/21) in Directorate of Education was rejected with the remarks, "OBC certificate dated 12.01.2016 shows community recognized in UP State and hence not eligible as OBC (Delhi). Another certificate dated 07.02.2022 is issued after cut off date";*

*(ii) Declare that the OBC certificates dated 07.02.2022 is a legal, valid and sufficient document/certificate for appointment under OBC category on the post of TGT (Social Science) (Male) (Post Code: 39/21) in Directorate of Education (DOE);*

*(iii) Direct the respondents to consider the candidature of the applicant under OBC category for appointment on the post of TGT (Social Science) (Male) (Post Code: 39/21) in Directorate of Education (DOE) and grant him all the consequential benefits including seniority full back wages, etc.;*

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

*(v) issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicant;*

*”*

2. In the instant OA, the applicant is seeking setting aside of the impugned order dated 28.04.2022, whereby the candidature of the applicant to the post of TGT (Social Science) has been rejected. A reference has been drawn



to the impugned order, wherein the reason given for rejection is as follows:

*“OBC Certificate dated 12.01.2016 shows community recognized in UP state and hence not eligible as OBC (Delhi). Another certificate dated 07.02.2022 is issued after cut-off date.”*

3. The applicant contends that he belongs to Teli Community and Teli Community falls under OBC category in the state of UP as well as in Delhi. The OBC Certificate dated 12.01.2016 reads as under:

*“This is to certify that **LAL CHAND S/o BIPAT RAM GUPTA R/o A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA** belongs to the **TELI** community of **UTTAR PRADESH** State which is recognised as Other Backward Class under*

*Resolution No. 12011/68/93-BCC(C) dated 10/09/1993, published in the Gazette of India Extraordinary Part I, Section I. No. 186, dated 13/9/1993. Resolution No. 12011/9/91-BCC(C) dated 19/10/1991, published in the Gazette of India Extraordinary Part I, Section I. No. 88, dated 20/10/1995.*

*Resolution No. 12011/7/95-BCC(C) dated 24/05/1995, published in the Gazette of India Extraordinary Part I Section I. No. 88, dated 25/05/1995.*

*Resolution No. 12011/44/96-BCC(C) dated 06/12/1996, published in the Gazette of India Extraordinary Part I, Section I. No. 88, dated 11/12/1996.*

*Notification No. F (8) / 11 / 99-2000/DSCST/SCP/OBC/2855 dated 31 / 05 / 2000. Notification No. F (6) / 2000-01/DSCST/SC/OBC/11677 dated 05/02/2004.*



***LAL CHAND and his family ordinarily resides at A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA***

***This certificate is issued on the basis of OBC certificate issued to BIPATRAM FATHER of LAL CHAND R/o AKBAR PUR, AMBEDKAR NAGAR, UP belongs to TELI community of UTTAR PRADESH State vide Certificate No. 480131515684 dated 11/09/2015 issued by the TEHSILDAR UP”***

4. The learned counsel for the applicant further draws our reference to the OBC Certificate dated 07.02.2022 issued subsequently by Revenue Department, Govt. of NCT of Delhi, which reads as under:

***“This is to certify that LAL CHAND S/o BIPATRAM GUPTA R/o A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA belongs to the TELI community which is recognised as Other Backward Class under the Government of NCT of Delhi notified vide Notification No. F.28(93/91-92/SCST/P&S/4384 dated 1995-01-20 published in the Gazette of Delhi Extraordinary Part-IV.***

***LAL CHAND and his family ordinarily resides at A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA***

***This is also to certify that he does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training o.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res), 36033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.”***



5. The learned counsel for the applicant submits that the case of the applicant is squarely covered by the decision of Hon'ble High Court of Delhi in W.P. (C) 9856/2019 & CM APPLs. 40711/2019, 21702/2020 & 13171/2021, titled as Govt. of NCT of Delhi Through its Chief Secretary & Ors. Vs. Anjana, dated 10.05.2022, which was followed by this Tribunal in OA No. 2112/2022, tiled as Tanisha Ansari Vs. Delhi Subordinate Services Selection Board (DSSB) CAT, PB, New Delhi, dated 25.08.2023. He submits that in view of the aforementioned judgments, the impugned order needs to be quashed and set aside.

6. Countering the arguments put forth by the learned counsel for the applicant, relying upon the averments made in the reply, the learned counsel for the respondents contends that the terms and conditions of the advertisement were sacrosanct. Just because the applicant corrected his mistake at a latter stage does not give him the right to get the appointment. He further draws our reference to the order of the Hon'ble High Court in W.P (C) 15051/2021, titled as Rohit Kumar Vs. Union of India & Others dated 26.04.2022. He further contends that the date mentioned in the advertisement is sacrosanct



and is strictly to be adhered to if the same is not followed it would deprive other similarly placed candidates of their right. He further contends that there is no rejection of the candidature as such. The applicant has been considered as General Category candidate as the certificate dated 12.01.2016 submitted by the applicant was not in proper format. Despite having knowledge of the same, the applicant chose to rely upon the said certificate and later on reliance placed on a subsequent certificate cannot be a bases for grant of appointment. No further point has been urged by the counsels for the respective parties.

7. We have heard the counsel for the respective parties, perused the pleadings available on record and the judgments cited by the counsels for the respective parties.

### **Analysis**

8. It is undisputed that both the certificates referred to hereinabove were issued by the Revenue Department, Govt. of NCT of Delhi. The certified that was sought to be relied upon at a later stage i.e. the certificate dated 02.07.2022 is in proper format. There is no denial of the fact that the applicant falls under OBC Category of Delhi, which is evident from both the certificates.



9. The learned counsel for the respondents has relied upon the order in W.P. (C) 15051/2021 (supra), highlighting para 23, which reads as under:

*“23. We are of the considered opinion that the decision delivered in Ram Kumar Giroya v Delhi Subordinate Services Selection Board & Another is not applicable in present case under given facts and circumstances due to reasons stated in Ram Kumar Giroya V Delhi Subordinate Services Selection Board & Another, the appellant was permitted to submit OBC Certificate after ten days from the last date of submission of application for the post of Staff Nurse whereas, in the present case, the petitioner submitted OBC Certificate at the time of submission of online application but OBC Certificate was not in accordance with format as prescribed in Advertisement for post of Navik (DB) and date of issuance of OBC Certificate as mentioned in online application was not matching with date of issuance of OBC certificate as mentioned in OBC Certificate submitted at time of verification of the documents.”*

10. We cannot accept the arguments of the learned counsel for the respondents as the order he has relied upon was passed based in the peculiar facts and circumstance of that case and hence, the order is of no help to us.

11. We agree with the submissions of the learned counsel for the applicant and find that the instant OA is squarely covered by the order passed by this Tribunal in the case of Tanisha



Ansari (supra), paras 9 to 11 of, which read as under:

*“9. Learned counsel for the respondents does not dispute the fact that the (Annexure A-9) was in proper format as per the Advertisement's terms and conditions only issued to be examined whether it has been uploaded in accordance with the cut-off date or not. To our mind the decision relied upon by the learned counsel for the respondents though relevant to the context that the facts of the case were entirely different. Set of circumstances here we find that the present case is squarely covered by the decision rendered in **Govt. of NCT of Delhi Through its Chief Secretary & Ors. v/s Anjana (supra)**, which was upheld by the Hon'ble Apex Court as well. For ready reference we reproduce the order passed by the Hon'ble High Court of Delhi as under for the sake of clarity:-*

*"The hearing has been conducted through hybrid mode (physical and virtual hearing).*

*1. The petitioner impugns the order of the learned Central Administrative Tribunal ("CAT") dated 28.03.2019 in O.A. No.2986/2016, which while allowing the respondent's O.A. has directed the GNCTD to, within a period of two months from the date of receipt of a copy of the order, take further steps apropos issuance of order of appointment, treating the present respondent as an OBC candidate, in accordance with the position of merit obtained by her in the written test.*

*2. Three years have gone-by since the passage of the said order. No corollary relief has been received by the respondent. She had applied for appointment to the post of Assistant Teacher (Nursery), (Post Code 3/13). She claimed OBC status. Examinations were held. Results were*





declared. She came in the merit list. However, her result was cancelled on 26.02.2016 as it was found that the OBC certificate produced by her was issued on the basis of her father's OBC status recognized in Uttar Pradesh. The said certificate was issued by the Executive Magistrate, Palam, New Delhi.

3. Subsequently by Public Notice dated 10.01.2017 the GNCTD provided all meritorious candidates another opportunity of filing their relevant documents. In the petitioner's case, the relevant document would be the OBC Certificate. The said Public Notice, *inter alia*, reads as under-

*If any candidate is having marks above the cut-off but his/her roll number has not been mentioned in Annexure "A" he/she will also attend the office on 24.01.2017 & 25.01.2017 along with copies of documents, admit card and two passport size photographs. This is final opportunity for the candidates failing which it will be presumed that the candidates are not interested for the post of Asstt. Teacher (Nursery)*

*"Note:- (1) OBC (Certificate) Should be issued by the Competent Authority of GNCT of Delhi, OBC (Outsider/Migrant/Central) will be treated as UR Candidate."*

4. In the interim, on 10.03.2016, eight months before the issuance of the aforesaid Public Notice, a fresh OBC Certificate had already been issued to the petitioner by the Tehsildar, Dwarka, New Delhi on the basis of her residence in Delhi, inasmuch as the "Lodhi Community" she claimed to be from, was



*recognized as OBC under GNCTD Notification dated 20.01.1995*

*5. However, despite the production of the latter OBC Certificate of 10.03.2016, she was not granted employment. The first OBC certificate was issued on the basis of her father hailing from Uttar Pradesh and belonging to the Lodhi OBC category. Between the issuance of the first and the second OBC certificates, the community to which he belonged remained unaltered, indeed subsists. His daughter-the petitioner, was issued an OBC certificate on the basis of the father's residence in Delhi at least from 1995. Albeit the father claims to have resided in Delhi since 1986. On the basis of a driving licence issued in Delhi, his Ration Card and other documents. The respondent was born and educated in Delhi. Her status as a member of the Lodhi Community, which forms a part of Other Backward Class, remains unaltered. This community is recognised as OBC as per GNCID notification of 20.01.1995. Therefore, issuance of OBC certificate to her is justified. In terms of a subsequent Memorandum dated 13.01.2017 issued by the Delhi Subordinate Services Selection Board ("DSSSB"), the petitioner was granted a last and final opportunity to produce the OBC certificate which she did produce and submitted to DSSSB within the time specified.*

*6. The petitioner states that in view of two OBC certificates, the dispute arose as to which one will be valid. There is no dispute here. It is only the petitioners' indecision to accept the relevant document. The latter OBC certificate of the successful candidate meets all requirements of the recruitment notice. It*



should have been accepted. An administrative approval/decision should have been taken instead of bringing the case to this court. The court is of the view, that whichever way it is seen, the respondent continues to belong to the OBC category. In the first certificate, her recognition in the OBC category was on the basis of her father hailing from Uttar Pradesh whereas in the second certificate, it was on the basis of her being born and raised in Delhi but the status of her father belonging to the OBC Lodhi class remains constant and intact. Therefore, she is rightly certified in the "OBC category.

7. Therefore, the respondent shall be treated as an OBC candidate and shall be issued an appointment letter within four weeks of receipt of a copy of this order.

8. The impugned order calls for no interference. The petition is disposed-off in the above terms. All pending applications also stand disposed-off."

10. We also draw strength from the judgment of the Hon'ble High Court in W.P.(C) 9040/2019 titled **Praveen Khatri and Ors. v/s Govt. of NCT of Delhi and Ors.**, decided on 27.10.2021 as held as under:-

"1. It needs to be stated at the very outset that, the above-captioned application i.e., CM No. 22861/2020 has been moved by petitioners no.4 to 6, while CM No.25471/2020 has been moved by the applicants, who are parties to O.A. No.3647/2018, which was disposed of vide the impugned order dated 02.04.2019. The said O.A. was, in fact, dismissed.

2. Mr. Sudhir Nagar, who appears on behalf of petitioners no.4 to 6, as well as the applicants in CM No.25471/2020[" persons represented"], says that, although several persons, similarly



*circumstanced, have been granted the relief, the persons represented by him had not been accorded relief. In other words, one time relaxation granted to others with regard to late submission of certificate to establish that the candidate had qualified the Central Teacher Eligibility Test (in short "CTET") was not extended to the persons represented. We are told in all cases CTET was cleared and certificates were obtained, before the appointment to the post of "Special Educator (Primary)" [Post Code 15/17]; the advertisement qua which was published on 15.09.2017.*

*2.1. It is Mr. Naagar's contention that, since persons represented had obtained the CTET qualification, at the point in time, when they were supposed to upload the e-dossier(s) qua the subject post, the Central Administrative Tribunal in short "the Tribunal", via order dated 25.09.2018, while the O.A. [i.e., O.A. No.3647/2018] was pending adjudication, gave permission to file the e-dossier(s), through offline mode.*

*2.2. Mr. Nagar says that, the respondents have denied the benefit of one time relaxation to the persons represented only on the ground that the CTET certificate(s) was/were not uploaded via internet ie., in the e-dossier module.*

*2.3. Furthermore, Mr. Nagar contends that the concerned authority, which conducts CTET, i.e., Central Board of Secondary Education (CBSE), conducted the said examination, after September 2016, in December 2018, which was, ultimately, cleared by the persons represented.*

*2.4. Mrs. Avnish Ahlawat, who appears on behalf of respondent no.1/GNCTD, cannot but accept the fact that the appointment offers) have been made in respect of persons, who submitted their CIET certificates, after the cut-*



off date provided in the aforementioned advertisement, but before the date of appointment.

3. That being the position, we are of the opinion that, merely because the CTET qualification was obtained after the cut off date, but before the completion of the recruitment process, persons represented by Mr Nagar, cannot be treated differently

4. In these circumstances, we are of the view that the order dated 13.03.2020 granting relaxation, inter alia, qua CTET qualification, as regards the subject post, issued by the Director of Local Bodies, Government of NCT of Delhi, with the approval of the Lieutenant Governor, should be extended to persons represented by Mr Nagar ie, petitioner nos.4 to 6 and the applicants in CM No. 25471/2020.

4.1. It is ordered accordingly.

5. The above-captioned applications are, accordingly, disposed of.

**W.P.(C) No.9040/2019 & CM  
Nos.37301/2019 2800/2021.  
7034/2021**

6. In view of the order passed in CM Nos 22861/2020 & 25471/2020, nothing further needs to be done.

7. The writ petition is, accordingly, disposed of. Consequently, pending applications shall also stand closed.

8. The case papers shall stand consigned to record.

11. In view of the present OA, the impugned rejection and treating the applicant as Unreserved qua the applicant is liable to be set aside. We allow the present OA directing the respondents that the applicant shall be treated as OBC candidate and shall be issued appointment letter within two



*months from the date of receipt of a certified copy of this order. We further direct that once the offer of appointment has issued, the applicant shall be entitled to notional seniority only subject to the last selected candidate in her category. The actual salary shall be granted to the applicant from the date of actual joining.*

*12. No order as to costs.”*

12. In view of the above discussion, the present OA is allowed and the impugned order dated 28.04.2022 is hereby quashed and set aside. We direct the respondents that the applicant shall be treated as OBC candidate and shall be issued appointment letter within two months from the date of receipt of a certified copy of this order. We further direct that once the offer of appointment is issued, the applicant shall be entitled to notional seniority only subject to the last selected candidate in his category. The actual salary shall be granted to the applicant from the date of actual joining.

13. No costs. Pending MAs, if any, stand closed.

**(Dr. Anand S. Khati)**

**(Mr. Manish Garg)**

**Member (A)**

**Member (J)**

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