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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8971/2024 and CM APPL. 36639/2024 (stay)

**DELHI SUBORDINATE SELECTION BOARD AND ANR.**

.....Petitioners

Through: Mr. Gaurav Dhingra and  
Mr. Shashank Singh, Advocates.

Versus

**SEEMA**

.....Respondent

Through: Mr. Anuj Aggarwal, Mr. Pradeep  
Kumar and Mr. Manas Verma,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**ORDER**

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**11.07.2024**

1. Aggrieved against judgment and order dated 17.01.2024 passed by the learned Central Administrative Tribunal ('Tribunal') in MA No. 2962/2023 in O.A. 4191/2017, the present writ petition has been preferred by the petitioners seeking setting aside thereof.

2. Vide impugned order dated 17.01.2024, the learned Tribunal has allowed the appeal preferred by the respondent, with a direction to the petitioner No. 1 to ensure that the recommendation with respect to selection of applicant as PGT (Hindi) pursuant to vacancy notification of February, 2012, alongwith necessary documents is sent to the petitioner No. 2 therein within a period of 04 weeks, who shall within further 04 weeks, ensure that



the Competent Authority offers appointment to the respondent, subject to her fulfilling other eligibility conditions set forth in the Recruitment Rules of the said post.

3. The petitioners are aggrieved that impugned order dated 17.01.2024 passed by the Tribunal suffers from patent illegality as the learned Tribunal failed to appreciate that respondent herein was shortlisted under Visually Handicap (VH) category and was allowed to upload her e-dossier between 20.11.2018 to 27.11.2018 but she failed to do so despite opportunity being given to her to upload the e-dossier on 14.01.2019. Since the respondent did not do so and therefore, her candidature was rejected.

4. The brief facts of the case are that pursuant to an advertisement issued by petitioner No. 1 for filling up various posts of PGT (Hindi), the respondent applied for the post of PGT (Hindi) under Post Code 170/2014 through online application. Petitioner No. 1 conducted Tier-I Examination on 30.11.2014 and the respondent was shortlisted for appearing in Tier-II Examination.

5. The respondent was shortlisted amongst 87 candidates in Unreserved category and was directed to furnish her documents in e-dossier alongwith other categories. Since against the respondent, the category was mentioned as 'unreserved', therefore she was not shortlisted for uploading the e-dossier having less marks than the cut-off of 'unreserved category'.

6. Pursuant to declaration of result on 25.10.2017, the respondent made a representation to petitioner No. 1, stating that she belongs to 'Visually Handicap' category and requested to consider her case. Accordingly, her candidature was considered and for verification of the claim of the



candidate, one post was withheld in unreserved/Visually Handicap category for her.

7. After verification, the respondent's case was considered under Visually Handicap category vide Result Notice 704 dated 20.0.2018 and she was allowed to upload her e-dossier between 20.11.2018 till 27.11.2018 but she failed to upload her e-dossier. The respondent claims to have given one more opportunity to her to submit her e-dossier on 14.01.2019 however she again failed to do so and therefore, her candidature was rejected vide Result Notice dated 18.02.2019.

8. Being aggrieved, the respondent filed O.A. No. 4191/2017 before the learned Tribunal, which was allowed vide order dated 17.01.2024, with a direction to the petitioners to ensure that its recommendations with respect to selection of the respondent as PGT (Hindi) pursuant to vacancy notification of February, 2012 alongwith the necessary documents is sent to Govt. of NCT of Delhi within 04 weeks, whereafter the concerned department shall issue an offer of appointment to the respondent subject to her fulfilling other eligibility conditions set forth in the Recruitment Rules of the said post.

9. Aggrieved against the aforesaid order dated 17.01.2024, the present petition has been filed by the petitioners on the ground that the learned Tribunal has not appreciated the decision of this Court in *Govt. of NCT Delhi Vs. Sheetal* reported as (2023) SCC OnLine Del 5279.

10. During the course of hearing, learned counsel submitted that the learned Tribunal has erred in not appreciating the fact that the petitioner on every step had complied with the statutory mandate under the Right to Persons with Disabilities Act, 2016 and given all the opportunities to the



respondent to upload her e-dossier. Even after lapse of time between 20.11.2018 till 27.11.2018, the respondent was permitted to upload her e-dossier on 14.01.2019, which she could not do and therefore she could not be selected for the said post and thus, setting aside of order passed by learned Tribunal is sought.

11. On the other hand, learned counsel appearing on behalf of the respondent has opposed the present petition, by submitting that the order passed by the learned Tribunal does not call for any interference by this Court and thus, the present petition deserves to be dismissed.

12. Having heard learned counsel for the parties and upon perusal of material placed before this Court as well as decision cited by the petitioners, we find that the primary reason for which the petitioners have denied appointment to the respondent was that she did not upload e-dossier within the time specified for the same, despite additional opportunity given.

13. The petitioners have relied upon decision in *Sheetal (Supra)*, wherein this Court had turned down her prayer to place on record copies of documents which she did not upload as e-dossier in view of the fact that in her representation she had mentioned “*for certain reasons, she could not upload the documents.*” No plausible reason was put forth by the respondent therein, whereas in the present case the respondent’s case falls under VH category.

14. Apparently, the scheme of reservation for persons with disability is distinct from the constitutional provision for reservation of Scheduled Castes and Schedules Tribes. For persons with disability 3% of the positions have been earmarked, which is further sub-categorized on the basis of the



different disabilities. Thus, benefit of a position to a visually handicapped candidate cannot be denied.

15. This Court cannot lose sight of the fact that the respondent succeeded in the selection process and had approached the petitioners herein with all documents. If the respondent was not able to file e-dossier, the duty of the petitioners would have been that the Department should have helped her in downloading the same and taking its copies on record.

16. In view of the above, finding no error in the order dated 17.01.2024 passed by the learned Tribunal, the present petition is dismissed. Consequently, the petitioners are directed to comply with the directions mentioned in Paras-11 and 12 thereof within four weeks.

**SURESH KUMAR KAIT, J**

**GIRISH KATHPALIA, J**

**JULY 11, 2024/uk/r**