

Item No.62/C-4



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 1076/2019

Reserved on : 11.07.2024

Pronounced on : 02.08.2024

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

Mohan Lal Chhedwal  
S/o Shri Prabhu Dayal  
Aged about 36 years  
R/o C/P Toda, Tehsil Neemkathana  
District Sikar, Rajasthan-332705  
Post : TGT (Natural Science) (Male)  
Post Code: 135/17, 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-110092.
2. Directorate of Education  
Director of Education  
Govt. of NCT of Delhi  
Old Secretariat Building  
Civil Lines, Delhi-110054.

.. Respondents

(By Advocate: Mr. Amit Anand)

**ORDER****Hon'ble Dr. Anand S. Khati, Member (A)**

The present Original Application has been preferred by the applicant being aggrieved by the action of the respondent No.1 - Delhi Subordinate Services Selection Board (henceforth, DSSSB) in not accepting his e-dossier as well as not considering the candidature of the applicant for appointment to the post of TGT (Natural Science) (Male), Post Code 135/17.

2. The factual matrix of the case is that the respondent No.1 issued Advertisement No. 04/2017 for recruitment to various posts, including the post of TGT (Natural Science) (Male), Post Code No.135/17, in the Directorate of Education. The applicant, who belongs to SC category, being eligible duly applied for the said post and also received admit card bearing Roll No.120113501305. The applicant appeared in the written examination conducted by respondent No.1 on 29.09.2018. Thereafter, a Notice was published on 18.02.2019 on the website of DSSSB informing the candidates the cut-off marks for each category of the candidates and the list of shortlisted candidates was also uploaded on the website of DSSSB. The candidates were also informed through this Notice that the shortlisted candidates were supposed to upload their e-dossiers between 27.02.2019 to 08.03.2019. Though the applicant was shortlisted for selection as he scored 88.51 marks against the cut-off



marks of 85.45 for SC category, he failed to upload the e-dossier during the stipulated time, i.e. 27.02.2019 to 08.03.2019.

3. Learned counsel for the applicant submitted that in February, 2019 when the result was declared and the applicant was shortlisted for appointment to the post of TGT (Natural Science) (Male), he was not aware of the result. The aforesaid Notice as well the result of the applicant was never personally informed to him. Since the applicant belongs to rural village of Rajasthan, he had no access to internet services and besides that due to his illness, he could not check his result. It is further pointed out that in terms of the Notice dated 18.02.2019, the shortlisted candidates were to be separately informed through SMS and e-mail on their registered mobile number and e-mail ID. Though the respondent No.1 on earlier occasions communicated relevant information regarding downloading of admit cards and general instructions for exam on the website through SMS on his registered mobile number, however, they failed to inform the applicant about his short-listing and declaration of result. When the applicant came to know about his result on 11.03.2019, the closing date of uploading the e-dossier and documents was already over. Immediately thereafter, he made several representations dated 12.03.2019, 15.03.2019 and 20.03.2019 to the respondent No.1 with a request to consider his candidature and accept his e-dossier or hard copies of the certificates/documents etc., but to no avail. Hence, this O.A.



4. The learned counsel for the applicant has also placed reliance on the Order passed by coordinate Bench of this Tribunal in O.A. No. 963/2019 titled Km. Marsi vs. Govt. of NCT of Delhi & Ors., wherein vide order dated 26.03.2019, the DSSSB was directed to accept the dossier of the applicant therein by hand in spite of the fact that she failed to upload her e-dossier within the stipulated time and another Order passed in O.A. No. 1923/2019 titled Poonam vs. DSSSB & Anr., which was pronounced on 17.05.2023 allowing the similar claim of the applicant therein.

5. *Per contra*, the respondents have filed a counter affidavit opposing the O.A. The learned counsel for respondents submitted that the issue is no more *res integra* and has already been settled by the Hon'ble High Court of Delhi in WP(C) No. 2892/2019 titled **Pushpender Singh Parnami vs DSSSB & Anr.** vide order dated 25.03.2019, whereby the order passed by this Tribunal in O.A. No. 549/2019 has been upheld. The operative part of the same reads as under:

“The submission of the petitioner is that he belongs to a very remote area in the State of Rajasthan and due to lack of internet connectivity and his illness he could not learn about the result declared by the DSSSB on its website. We are unable to accept this submission. The petitioner while applying for the post of PGT (History) was well aware that the result of the written examination would be uploaded by the DSSSB on its website and it was for the petitioner to track the same and to respond in-terms of the advertisement issued by the respondent.

Having missed the bus, he cannot be permitted to submit his documents/e-dossier after the cut-off date. If such relaxation were to be granted to one candidate, it would be discriminatory in respect of others, who may have similarly missed the bus and

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this would render the entire process undertaken by the DSSSB as open ended.

In view of the aforesaid, we find no merit in the present petition and the same is dismissed.”

The aforesaid order of the Hon’ble High Court has also been affirmed by the Hon’ble Supreme Court in SLP (Civil) Diary No.12692/2022 vide order dated 13.05.2022.

6. The learned counsel for the respondents also placed reliance on the Judgment dated 22.04.2019 in WP(C) No. 4085/2019 titled Jyoti vs GNCTD & Anr., wherein it has been held that:

“The Tribunal has found and we agree with the said findings, that if the petitioner is permitted to upload her e dossier after the closing of the scheduled period, the same would amount to discrimination against others, who may have similarly not been able to upload their e-dossiers by the notified date and time i.e. 13.02.2019. Merely because the petitioner claims that she was pregnant or out of town is no ground for extension of time as the selection process which is undertaken on a very large scale, cannot be delayed or withheld on account of the circumstances of a particular candidate.

The petition is dismissed alongwith pending application.”

He has also placed reliance on the Orders passed by this Tribunal in O.A. Nos. 220/2020 and 569/2021 dated 05.10.2020 and 09.03.2021, respectively, which were dismissed following the decision in **Pushendra Singh Parnami** (supra).

7. The counsel for the respondents averred that the ratio of the aforementioned two judgments of the Hon’ble Delhi High Court, followed in various decisions of this Tribunal, is fairly applicable to the instant case. The applicant was selected but failed to upload e-

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dossier in time and, accordingly, vide rejection notice No. 454 dated 28.05.2019, his candidature was rejected. The applicant has no case, however, is merely trying to abuse the process of law. There is no negligence on the part of the answering respondent and the applicant cannot shift the onus of negligence on his part in not uploading the e-dossier within the stipulated time. Hence, the O.A. deserves to be dismissed.

8. We have heard the arguments put forth by the learned counsel for both sides and also gone through the pleadings on record thoroughly.

9. In the Note 4 below the Advertisement No. 04/2017 dated 20.12.2017, it has been mentioned as under:

“4. The successful candidates will be required to submit legible Self attested copies of the documents, Admit Card alongwith the hard copy of printout of online application form at the time of verification of documents (any information contained in the attached certificates shall not be considered unless it is claimed in the application form).”

However, in the Notice dated 18.02.2019, it has been mentioned thus:

“The shortlisted candidates for the above mentioned post/post code are hereby informed to fill the e-dossier and upload all the documents of Educational/Professional Certificates/Degree and Mark sheets/Caste Certificate/Disability certificate/Proof of Govt. Servant/Ex. Servicemen/Admit Cards etc. as applicable in the E-dossier module in OARS link in their individual account in OARS module.

xxx xxx xxx xxx

The link for uploading e-dossier shall be kept open for a period of 10 days w.e.f. 27/02/2019 to 08/03/2019. The candidate uploading e-dossier should ensure that he fulfills all the

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eligibility criteria as on the cutoff date, i.e. 31/01/2018. The shortlisted candidates are also being separately informed through SMS & E-mail on their registered mobile number & e-mail id.”

10. From a perusal of the above, it is evident that there is clear stipulation in the Notice dated 18.02.2019 that “the shortlisted candidates are also being separately informed through SMS and E-Mail on their registered Mobile and e-mail id. However, in the present case, the respondent No.1- DSSSB failed to observe their own stipulation and also failed to substantiate that they have separately informed to the present applicant through SMS/e-mail about his being shortlisted.

11. We have also gone through the Order dated 17.05.2023 passed by a coordinate Bench of this Tribunal in identical O.A. bearing O.A. No. 1923/2019, wherein it has been held as under:

“15. It is our considered view that the conditions mentioned in the original Advertisement for a particular selection process is the foundation based on which the candidates would take appropriate action in respect of their candidature. The Standards Operating Procedure for filling the forms and the subsequent steps to submission of personal dossiers on being shortlisted or selected should be clearly spelled out in the initial advertisement in unambiguous terms. If there was a requirement of submission of only e-dossiers, the same should have been spelled out up front in the initial advertisement. We do agree with the rationale drawn by this Tribunal in OA No.862/2020 in Arvind Kaushik vs DSSSB (Supra) wherein the English law in Carlill vs Cabolic Smoke Ball Company (supra) has been quoted. In the instant case, even, the DSSSB has failed to observe their own stipulation in the Notice dated 21.01.2019, wherein it was mentioned “the shortlisted candidates are also being separately informed through SMS and E-Mail on their registered Mobile and e-mail id”. The respondents have failed to substantiate that they have separately informed all shortlisted candidates and particularly, the present applicant about their being shortlisted. In the age of IT and Mobile Technology revolution, it is not difficult and administratively time – consuming to inform hundreds of shortlisted candidates





through their e-mail and SMS to their registered Mobiles regarding them being shortlisted and to undertake further action by the stipulated date. In view of this, the action by Respondent No 2 i.e. DSSSB amounts to arbitrariness and lack of application of mind in following their own stipulated SOP for informing the shortlisted candidates. There will be number of situations when a particular candidate may not be in a position to access the website of the DSSSB continuously to know the uploading of results by DSSSB, unless it is informed well in advance to all candidates that such uploading would take place within a stipulated time line/period. The candidates have missed the bus because there was no time table stipulated in the advertisement for the arrival and departure of the bus. The ratio of the judgement in Jyoti Vs GNCTD (Supra) not applicable to the case at hand as the facts and circumstances of that case is different than those in the present case. There the issue was plain request for allowing late submission of e-dossier despite knowledge of the stipulated time for uploading such e-dossier. Here the issue is no knowledge about such stipulation and no knowledge about being shortlisted.

16. In view of the above, we find sufficient merit in the present OA and hence the same is allowed. The respondents are directed to accept the e-dossier of the present applicant and if she has the legitimate eligibility for the post which she applied for, she should be offered the employment to the advertised post. Respondent no.1 is directed to accept the candidature of the applicant for employment against concerned category against existing vacancies or even creating a supernumerary post. The candidates belonging to the same category already selected by DSSSB (Respondent no.2) and employed by Respondent No.1 will continue to be in service and their rights shall not be affected by this order in any manner.

No order regarding costs.”

12. Taking cognizance of the aforesaid Order, we find no reason to have a distinguished view and are of the considered opinion that the present O.A. can also be disposed of in terms of the directions given in OA. No. 1923/2019 in Poonam (supra), as reproduced hereinabove.

13. Resultantly, the O.A. is allowed and the respondent No.1 is directed to accept the e-dossier of the applicant in the form of hard copy and accept his candidature for appointment for the post applied



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by him against concerned category. If he is otherwise found suitable and eligible, the applicant shall be issued offer of appointment to the post of TGT (Natural Science) (Male), Post Code No.135/17 as per his merit against the existing vacancies, if any, or even by creating a supernumerary post, with all consequential benefits *albeit* only on notional basis, however, on actual basis only from the date of his joining to the post. The candidates belonging to the same category already selected and appointed by Respondent No.1 will continue to be in service and their rights shall not be affected by this order in any manner.

14. However, there shall be no order as to costs.

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

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

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