

Delhi Subordinate Services Selection ... vs Samay Rawat on 3 April, 2025

Author: Navin Chawla

Bench: Navin Chawla

\$~10

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 03.04.20

+

W.P. (C) 15356/2024

DELHI SUBORDINATE SERVICES SELECTION BOARD
(DSSSB) AND ORS

.....Petitioners

Through: Mr. Yeeshu Jain ASC with
Ms. Jyoti Tyagi Adv.

versus

SAMAY RAWAT

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 64411/2024(Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 15356/2024 AND CM APPL. 64412/2024

2. This petition has been filed by the petitioners, challenging the Order dated 22.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No.1534/2022 (hereinafter referred to as, 'OA') titled Samay Rawat v. Delhi Subordinate Service Selection Board (DSSSB)., allowing the said OA filed by the respondent herein by following the Order dated 19.07.2024 passed by this Court in W.P.(C) 2814/2024, titled Govt. of NCT of Delhi & Anr. v. Rishikesh Sharma and the connected matters.

3. A brief background of the facts giving rise to the present petition is that the respondent, pursuant to an Advertisement/Notification No. 02/21 dated 12.05.2021 issued by the Delhi Subordinate Services Selection Board (hereinafter referred to as, 'DSSSB') for vacancies for TGT (Male) and (Female) for various subjects and Assistant Teacher (Primary), had applied for the post of TGT Natural Science (Female) under the EWS category. The closing date for the submission of the online application was 24.06.2021, which was later extended till 04.07.2021. It is the case of the respondent that she could not obtain EWS certificate by the closing date due to the lockdown declared by the Government owing to the spread of the COVID-19 pandemic. As her candidature

was later rejected by the petitioners on the ground that she could not submit her EWS certificate issued on or before the extended date for making the applications, the respondent filed the abovementioned OA before the learned Tribunal.

4. The learned Tribunal, by a common Judgment dated 08.08.2023, in OA 1524/2022 titled Anju and Ors. v. Govt. of NCT of Delhi and Ors. and connected matters, allowed the said OAs filed by similarly situated individuals as the respondent herein, directing as under :-

"12. Conclusion:

12 .1 In conspectus of the facts of the case and in view of the above discussion, we are convinced that the applicants do possess valid EWS Certificates issued to them by the Competent Authority based on their financial status, income and assets and met the eligibility criterion. Therefore, we allow these OA(s) in peculiar facts and circumstances as narrated herein-above, the rejection notices of the respective applicants for respective categories are quashed and set aside. The applicants in all these OA(s), who are having EWS Certificates for last three financial year(s) as on the cutoff date, the respondents are directed to re-examine and reconsider the cases of the applicants afresh. On reexamination, if their candidature is found to be in order in view of the observation supra, the respondents shall process their cases, and issue offer of appointment(s) in their respective post code and respective category as per their merit position, if otherwise fulfilling other eligibility conditions as per RR's. The applicants shall be entitled to all consequential benefits which shall flow on a notional basis only. The actual benefit shall accrue from the date when the applicants actually join the post.

12.2 The above exercise shall be completed by the respondents within a period of twelve weeks from date of receipt of a certified copy of this order."

5. The above Judgment was challenged by the petitioners before this Court in the form of W.P.(C) 2814/2024, titled Govt. of NCT of Delhi and Anr. v. Rishikesh Sharma, and connected petitions. This Court in its Order dated 22.05.2024, upon hearing the parties, observed as under:-

"5. Having perused the impugned order as also the aforesaid decisions relied upon by both sides, we are of the view that, in the peculiar facts of the present case, the learned Tribunal was justified in directing the petitioner to consider the candidature of respondents on merits."

6. The said batch of petitions was later dismissed by this Court vide its Order dated 19.07.2024, directing the petitioners to carry out the directions of the learned Tribunal within a period of 6 weeks from the date of the said Order.

7. We are informed that an Order in compliance with the directions of this Court has been issued by the DSSSB.

8. The learned counsel for petitioners reiterates that as the respondent did not submit his EWS certificate along with his application before the closing date, he was rightly not offered appointment. She further submits that presently there are no vacancies against which the respondent can be accommodated.

9. On the other hand, the learned counsel for the respondent, who appears on advance notice, submits that this Court has already dismissed the petitions raising similar pleas filed by the petitioners, and the petitioners should not be allowed to re-agitate the same plea in this petition. He further submits that before the learned Tribunal, the petitioners were directed to keep seats vacant for the respondent, if not already filled. He submits that, therefore, the petitioners cannot make the relief, which has been granted to the respondent, infructuous, by now claiming that there is no vacancy against which the respondent can be accommodated.

10. We have considered the submissions made by the learned counsels for the parties.

11. As would be evident from the above, the issue raised by the petitioners in the present petition already stands decided by this Court vide its Order dated 22.05.2024 read with Order dated 19.07.2024 referred to hereinabove. Merely because of the change of the Bench of this Court, this Court would not like to re-open the issues which have already been settled and, in fact, as claimed by the learned counsel for the respondent, partly implemented by issuance of necessary Orders by the DSSSB.

12. As far as the lack of vacancies is concerned, this Court in its Order dated 19.07.2024 had directed the petitioners to implement the order of the learned Tribunal, observing that there are large number of posts that are still lying vacant. In any case, the Order of learned Tribunal needs to be implemented. Once the respondent has succeeded in the OA filed by him, he cannot be denied the relief.

13. Therefore, we find no merit in the present petition. The same, along with pending application is accordingly, dismissed.

14. The petitioners shall comply with the directions issued by the learned Tribunal within a period of 6 weeks from today.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 3, 2025 p/kg/IK Click here to check corrigendum, if any