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

+ **W.P.(C) 8036/2015**

DELHI SUBORDINATE SERVICES SELECTION BOARD

..... Petitioner

Through Mr. Sanjay Dewan, Advocate.

versus

NEELAM YADAV

..... Respondent

Through Mr. Ashish Nischal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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28.01.2016

Pursuant to the last order, counsel for the petitioner has filed before us affidavit of S.P. Tyagi, Deputy Secretary (CC-II), DSSSB enclosing therewith copy of the advertisement No. 002/2010 pursuant to which the respondent had applied for selection. As per the said advertisement, the minimum qualifying marks for general category candidate for preliminary examination was 40% and 30% for reserved category candidates.

The respondent, no doubt, had applied as an OBC candidate belonging to Jat community, but Jat community has not been included in the OBC list in Delhi. That being the position, the respondent has to be considered as a general category candidate. The respondent should have

secured at least 40% marks in Part-I preliminary examination. The respondent had secured 39% marks in Part-I or the preliminary examination as per the mark sheet enclosed.

In these circumstances, we would accept the prayer made in the writ petition and set aside the direction of the tribunal that there should be re-checking of the Part-II paper of the respondent. As the respondent had not cleared the Part-I examination, re-checking of Part-II paper would not serve any purpose. The writ petition is accordingly allowed and the impugned order of the tribunal dated 13th November, 2014 is set aside, for reasons set out above.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

**JANUARY 28, 2016
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