

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

+ **W.P.(C) 7695/2016**

% **Reserved on:** 20th April, 2017
Date of Decision: 22nd September, 2017

LATIKA

..... Petitioner

Through Mr. Dvijendra Kumar Pandey, Advocate.

versus

STAFF SELECTION COMMISSION AND ORS Respondent

Through Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor and Mr. Prateek Dhanda,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE A.K. CHAWLA

SANJIV KHANNA, J.

Latika, having been denied selection to the post of Constable (General Duty) on account of late submission of Other Backward Class (OBC) certificate, has filed the present writ petition impugning order dated 8th July, 2016, returning the OBC certificate submitted by her. She has prayed for a direction to the respondents to include her name in the final list of successful candidates for the post of Constable (General Duty).

2. Relevant facts, in brief, may be noted. Staff Selection Commission (SSC, for short) vide notification dated 24th January, 2015 had invited applications for recruitment of 62,390 Constables (General Duty) in the Central Armed Police Forces (CAPFs) and other organizations. The

recruitment process consisted of Physical Standards Test, Physical Efficiency Test, Written Examination and Medical Examination.

3. The petitioner having qualified the Physical Standards Test and Physical Efficiency Test and also having cleared the written examination, was called for Detailed Medical Examination, which was held on 11th May, 2016.

4. There is a dispute as to what happened and transpired on 11th May, 2016 at the time of Detailed Medical Examination. The respondents, in the counter affidavit, have submitted that the petitioner was asked to submit caste certificate in the prescribed format for she was seeking age relaxation. The petitioner had given an undertaking that she would furnish the said certificate by 26th May, 2016 and if she failed to do so, either her candidature would be cancelled or she would be treated as a general category candidate, subject to her fulfilling eligibility criteria, and that she would forgo her claim as a reserved category candidate in the interview. The petitioner, however, asserts that she had received a telephone call on 24th June, 2016 from the office of the third respondent, Deputy Director General of Police, Regional Recruitment Centre, Central Reserved Police Force(CRPF), requiring her to submit caste certificate issued by the Government of India within one week. She had immediately applied and obtained an OBC certificate dated 28th June, 2016 issued by the District Magistrate. She had then tried to submit the same in the office of the third respondent on 30th June, 2016, but the same was not received on the ground that the last date of submission of the certificate was 29th June, 2016. On refusal by the third respondent, the petitioner had gone to the office of the second respondent, Director General, CRPF, and handed over the same with

an application to the concerned officer posted there on 30th June, 2016. The petitioner submits that she had already furnished her OBC certificate dated 11th October, 2013, issued by the office of Deputy Commissioner, North-East District, Delhi, at the time of the Detailed Medical Examination.

5. At the outset, we may record that the petitioner belongs to 'Gujjar' community. It is an undisputed position that she is an OBC candidate and is entitled to benefit of reservation. The question primarily relates to late submission of the OBC certificate.

6. We would first begin by referring to the counter affidavit filed by the second and the third respondent. They have elucidated that in response to the recruitment notification, admit cards of as many as 57,44,100 candidates were uploaded on the website on 20th April, 2015 for conducting Physical Standard Test and Physical Efficiency Test which were to be held at 183 different locations from 25th May, 2015 to 30th July, 2015. The candidates, who had qualified the said test, had appeared for written examination conducted by the SSC on 4th October, 2015. The results were declared on 14th March, 2016 and 7th April, 2016. The details of the candidates, who had qualified for Detailed Medical Examination was uploaded on the website of CRPF on 29th March, 2016. It was informed that Detailed Medical Examinations would be held from 10th May, 2016 onwards. The candidates were advised to download their admit cards for Detailed Medical Examination with effect from 15th April, 2016 from www.crpfindia.co.in. This notice had mentioned details of documents required to be brought by the candidates at the time of Detailed Medical Examination. Detailed Medical Examination of 1,44,802 candidates, who were issued admit cards,

was held at 78 different centers of CAPFs between 10th May, 2016 and 7th June, 2016.

7. The respondents have highlighted that as large number of applicants were expected to apply, the certificates and documents were to be examined at the stage of Detailed Medical Examination of only those candidates, who had qualified for the medical examination. In view of the anticipated large number of applicants, the scrutiny of the eligibility and other aspects was not to be undertaken before the two tests and the written examination. The candidates were required to go through the requirements of educational qualification, age, physical standards, etc. and satisfy themselves that they were eligible for the post they were applying.

8. However, there are some significant admissions made by the second and the third respondent in the counter affidavit. It is admitted that for facilitation of the qualified candidates, who had appeared for Detailed Medical Examination, the CAPFs and Detailed Medical Examination Boards were directed not to refuse examination or reject a candidate due to lack of documents and that candidates should be given time to produce the same till the last date of Detailed Medical Examination. It is also stated by the respondents that the OBC caste certificate should have been issued with non-creamy layer status within three years of the closing date i.e. on or after 23rd February, 2012. Thus, certificates issued on or before 22nd February, 2012 would not be accepted as valid. There was another stipulation that the caste certificate of Scheduled Castes, Scheduled Tribes or OBC for reservation or age relaxation should be in the prescribed format vide Annexures VI and VII. The caste should have been notified in the Central List published by the Government of India. For the sake of completeness,

we would reproduce the relevant clauses of the notification issued by the SSC, dated 24th January, 2015, which were as under:-

“4(C):PROCESS OF CERTIFICATION AND FORMAT OF CERTIFICATES:

Candidates who wish to be considered against vacancies reserved/or seek age-relaxation must submit requisite certificate from the competent authority. Otherwise, their claim for SC/ST/OBC/ExS status will not be entertained and their candidature/applications will be considered under **General (UR)** category. The formats of the certificates are annexed. Certificates obtained in any other format will not be accepted. Candidates claiming OBC status may note that the OBC certificate should have been obtained **within three years** before the closing date i.e. 23.02.2015. The Commission has decided to accept OBC certificate, in the prescribed format, issued after the closing date for receipt of application but issued on or before the date of their document verification, as valid proof of belonging to OBC.

XXXX

17: IMPORTANT INSTRUCTIONS TO CANDIDATES:

...

2	In view of the anticipated large number of applicants, scrutiny of the eligibility and other aspects will not be undertaken before the PST/PET and Written Examination and, therefore, the candidature will be accepted only provisionally. Candidates are advised to go through the requirements of educational qualification, age, physical standards, etc. and satisfy themselves that they are eligible for the posts, before applying. Copies of supporting documents will be sought only from those candidates who qualify for the medical examination. When scrutiny of document is undertaken after the written examination, if any claim made in the application is not found substantiated, the candidature will be cancelled and the Commission's decision
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	in this regard shall be final.
4	Candidates seeking reservation benefits as SC/ST/OBC ExS must ensure that they are entitled to such reservation as per eligibility prescribed in the Notice. They should also be in possession of the certificates in the format prescribed by Government of India in support of their claim when the copies of the certificates will be sought after the written examination. OBC candidates should ensure that they are in possession of OBC certificate in the prescribed format issued by the competent authority within the due date prescribed in this Notice.

”

Annexure VII to the said notification relates to the form of certificate to be produced by the OBC candidate.

9. Keeping in view the enormous task, we would accept the contention of the respondents that the procedure mentioned in the notification was just, fair and proper. Possibly, there was no other method which could have been adopted and applied, given the numbers and mammoth task. Thus, as a sequitor, the respondents seek to justify their stand and submit that the submission of the certificate cannot be open-ended. Specified dates were fixed and schedule must be adhered to. Notice and warnings were given. Failure to submit relevant certificate in prescribed format by the specified date would have consequences and to hold otherwise would lead to administrative chaos and mess.

10. When we turn to the facts of the present case, we would first refer to the controversy on the question of the undertaking given by the petitioner on 11th May, 2016 at the time of Detailed Medical Examination. The respondents have enclosed the undertaking (Annexure R-1), which bears the signature of the petitioner. It states that if the petitioner was unable to

produce the original certificate/document by 26th May, 2016, her candidature might be treated as cancelled or she may be treated as a general category candidate. The said undertaking is in a printed proforma which has different clauses relating to documents or certificates found to be deficient or missing. Annexure R-1 indicates that clause V relating to caste certificate was ticked or marked. The petitioner submits that she was made to sign the said document but she was not told and informed orally that she was required to submit the certificate. She had for the first time learnt about the said requirement when she received a telephone call from the office of the third respondent on 24th June, 2016. The petitioner had accordingly obtained certificate dated 28th June, 2016 and had proceeded to the office of the third respondent to submit the same. As the certificate was not accepted, she had written an application and attached the caste certificate and submitted the same to in the office of the second respondent, Director General, CRPF on 30th June, 2016.

11. The petitioner relies upon Annexure P-8, which is a letter written by her to the second respondent, Director General, CRPF, enclosing the caste certificate. She has stated that she received the telephonic call on 24th June, 2016 and next two days being government holidays, she had applied for caste certificate on 27th June, 2016 and had received the same on 29th June, 2016. Thereupon, she had proceeded to the office of the third respondent on 30th June, 2016 to submit the caste certificate, which was not received.

12. The aforesaid dispute is a dispute relating to facts. Though it is not possible to form an absolute and firm opinion, we would, on the basis of probability, agree with the petitioner. The petitioner, it is obvious, was extremely keen and desirous of joining employment as a Constable. She had

sweated and worked hard to reach the final stage. She was conscious that she required an OBC certificate and had accordingly obtained and relied on the certificate from the office of the Deputy Commissioner, North-East District, Delhi issued on 11th October, 2013. The said certificate states that the petitioner belongs to 'Gujjar' community, which was recognized as a Backward Class in terms of the notification issued by the Government of NCT of Delhi and she does not belong to creamy layer in terms of the notification issued by the Government of India. In case, and if she had been informed that this certificate was not as per the prescribed format and she was required to procure caste certificate from the District Magistrate, she would have done so immediately and not waited till 27th June, 2016. Subtle yet stultifying difference in the certificates may not be known and understood by a many.

13. There is one more aspect which has bothered us. As per Annexure R-1, the petitioner was asked to get the caste certificate on or before 26th May, 2016. However, as per the counter affidavit, for facilitation of all candidates, the CAPFs and Detailed Medical Examination Boards were directed not to refuse any candidate due to lack of documents and the candidate should be given time to produce the same till the last date of Medical Examination. The last date, we may note, as per the respondents themselves was 7th June, 2016. It is apparent from the stand of the respondent before us that the petitioner was not properly guided and asked to submit appropriate certificate till the last date of the Detailed Medical Examination on 7th June, 2016. Apparently, the certificates were accepted even later.

14. We also find that the issue in question has been dealt with and examined by the Supreme Court in *Ram Kumar Gijroya Vs. Delhi*

Subordinate Services Selection Board, (2016) 4 SCC 754 in which it has been held as under:-

"14. The Division Bench of the High Court erred in not considering the decision rendered in *Pushpa* [*Pushpa v. Govt. (NCT of Delhi)*, 2009 SCC OnLine Del 281] . In that case, the learned Single Judge of the High Court had rightly held that the petitioners therein were entitled to submit the OBC certificate before the provisional selection list was published to claim the benefit of the reservation of OBC category. The learned Single Judge correctly examined the entire situation not in a pedantic manner but in the backdrop of the object of reservations made to the reserved categories, and keeping in view the law laid down by a Constitution Bench of this Court in *Indra Sawhney v. Union of India* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] as well as *Valsamma Paul v. Cochin University* [*Valsamma Paul v. Cochin University*, (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713] . The learned Single Judge in *Pushpa* [*Pushpa v. Govt. (NCT of Delhi)*, 2009 SCC OnLine Del 281] also considered another judgment of the Delhi High Court, in *Tej Pal Singh* [*Tej Pal Singh v. Govt. (NCT of Delhi)*, 1999 SCC OnLine Del 1092 : ILR (2000) 1 Del 298] , wherein the Delhi High Court had already taken the view that the candidature of those candidates who belonged to the SC and ST categories could not be rejected simply on account of the late submission of caste certificate.

15. The relevant paragraph from the judgment of this Court in *Indra Sawhney* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] has been extracted in *Pushpa* [*Pushpa v. Govt. (NCT of Delhi)*, 2009 SCC OnLine Del 281] along with the speech delivered by Dr Ambedkar in the Constituent Assembly and reads thus: (*Pushpa case* [*Pushpa v. Govt. (NCT of Delhi)*, 2009 SCC OnLine Del 281] , SCC OnLine Del para 9)

“9. ... ‘251. Referring to the concept of equality of opportunity in public employment, as embodied in Article 10 of the Draft Constitution, which finally emerged as Article 16 of the Constitution, and the conflicting claims of various communities for representation

in public administration, Dr Ambedkar emphatically declared that reservation should be confined to “a minority of seats”, lest the very concept of equality should be destroyed. In view of its great importance, the full text of his speech delivered in the Constituent Assembly on the point is appended to this judgment. But I shall now read a few passages from it. Dr Ambedkar stated:

“... firstly, that there shall be equality of opportunity, secondly, that there shall be reservations in favour of certain communities which have not so far had a ‘proper look-in’ so to say into the administration. ... Supposing, for instance, we were to concede in full the demand of those communities who have not been so far employed in the public services to the fullest extent, what would really happen is, we shall be completely destroying the first proposition upon which we are all agreed, namely, that there shall be an equality of opportunity. ... Therefore the seats to be reserved, if the reservation is to be consistent with sub-clause (1) of Article 10, [**Ed.:** The matter between two asterisks has been emphasised in *Indra Sawhney case*, 1992 Supp (3) SCC 217.] *must be confined to a minority of seats* [**Ed.:** The matter between two asterisks has been emphasised in *Indra Sawhney case*, 1992 Supp (3) SCC 217.] . It is then only that the first principle could find its place in the Constitution and effective in operation. ... we have to safeguard two things, namely, the principle of equality of opportunity and at the same time satisfy the demand of communities which have not had so far representation in the State....” [*Constituent Assembly Debates*, Vol. 7, pp. 701-02 (1948-1949).]

These words embody the *raison d'être* of reservation and its limitations. Reservation is one of the measures adopted by the Constitution to remedy the continuing evil effects of prior inequities stemming from discriminatory practices against various classes of people which have resulted in their social, educational and economic backwardness. Reservation is meant to be addressed to the present social, educational and economic backwardness caused by purposeful societal discrimination. To attack the continuing ill effects and perpetuation of such injustice, the Constitution permits and empowers the State to adopt corrective devices even when they have discriminatory and exclusionary effects. Any such measure, insofar as

one group is preferred to the exclusion of another, must necessarily be narrowly tailored to the achievement of the fundamental constitutional goal.’ (*Indra Sawhney case* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] , SCC pp. 433-34, para 251)”

16. In *Pushpa* [*Pushpa v. Govt. (NCT of Delhi)*, 2009 SCC OnLine Del 281] , relevant paragraphs from *Tej Pal Singh* [*Tej Pal Singh v. Govt. (NCT of Delhi)*, 1999 SCC OnLine Del 1092 : ILR (2000) 1 Del 298] have also been extracted, which read thus: (*Pushpa case* [*Pushpa v. Govt. (NCT of Delhi)*, 2009 SCC OnLine Del 281] , SCC OnLine Del para 11)

“11. ... ‘15. The matter can be looked into from another angle also. As per the advertisement dated 11-6-1999 issued by the Board, vacancies are reserved for various categories including SC category. Thus in order to be considered for the post reserved for SC category, the requirement is that a person should belong to SC category. If a person is SC he is so by birth and not by acquisition of this category because of any other event happening at a later stage. A certificate issued by competent authority to this effect is only an affirmation of fact which is already in existence. The purpose of such certificate is to enable the authorities to believe in the assertion of the candidate that he belongs to SC category and act thereon by giving the benefit to such candidate for his belonging to SC category. It is not that petitioners did not belong to SC category prior to 30-6-1998 or that acquired the status of being SC only on the date of issuance of the certificate. In view of this position, necessitating upon a certificate dated prior to 30-6-1998 would be clearly arbitrary and it has no rationale objective sought to be achieved.

16. While taking a particular view in such matters one has to keep in mind the objectives behind the post of SC and ST categories as per constitutional mandate prescribed in Articles 15(4) and 16(4) which are enabling provisions authorising the Government to make special provisions for the persons of SC and ST categories. Articles 14(4) and 16(4), therefore, intend to remove social and economic inequality to make equal opportunities available in reality. Social and economic justice is a right enshrined for protection of society. The right in

social and economic justice envisaged in the Preamble and elongated in the fundamental rights and directive principles of the Constitution, in particular Articles 14, 15, 16, 21, 38, 39 and 46 are to make the quality of the life of the poor, disadvantaged and disabled citizens of the society meaningful.’ (*Tej Pal Singh case* [*Tej Pal Singh v. Govt. (NCT of Delhi)*], 1999 SCC OnLine Del 1092 : ILR (2000) 1 Del 298] , SCC OnLine Del paras 15-16)”

17. Further, in *Pushpa* [*Pushpa v. Govt. (NCT of Delhi)*], 2009 SCC OnLine Del 281] , relevant portion from the judgment of *Valsamma Paul case* [*Valsamma Paul v. Cochin University*, (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713] has also been extracted, which reads as under: (*Pushpa case* [*Pushpa v. Govt. (NCT of Delhi)*], 2009 SCC OnLine Del 281] , SCC OnLine Del para 11)

“11. ... ‘17. ... “21. The Constitution through its Preamble, fundamental rights and directive principles created a secular State based on the principle of equality and non-discrimination, striking a balance between the rights of the individuals and the duty and commitment of the State to establish an egalitarian social order.” (*Valsamma Paul case* [*Valsamma Paul v. Cochin University*, (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713] , SCC pp. 560-61, para 21)’ (*Tej Pal Singh case* [*Tej Pal Singh v. Govt. (NCT of Delhi)*], 1999 SCC OnLine Del 1092 : ILR (2000) 1 Del 298] , SCC OnLine Del para 17)”

18. In our considered view, the decision rendered in *Pushpa* [*Pushpa v. Govt. (NCT of Delhi)*], 2009 SCC OnLine Del 281] is in conformity with the position of law laid down by this Court, which have been referred to supra. The Division Bench of the High Court erred in reversing the judgment and order passed by the learned Single Judge, without noticing the binding precedent on the question laid down by the Constitution Benches of this Court in *Indra Sawhney* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] and *Valsamma Paul* [*Valsamma Paul v. Cochin University*, (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713] wherein this Court after interpretation of Articles 14, 15, 16 and 39-A of the directive principles of State policy held that the object of providing reservation

to the SCs/STs and educationally and socially backward classes of the society is to remove inequality in public employment, as candidates belonging to these categories are unable to compete with the candidates belonging to the general category as a result of facing centuries of oppression and deprivation of opportunity. The constitutional concept of reservation envisaged in the Preamble of the Constitution as well as Articles 14, 15, 16 and 39-A of the directive principles of State policy is to achieve the concept of giving equal opportunity to all sections of the society. The Division Bench, thus, erred in reversing the judgment and order passed by the learned Single Judge. Hence, the impugned judgment and order passed by the Division Bench in Letters Patent Appeal No. 562 of 2011 is not only erroneous but also suffers from error in law as it has failed to follow the binding precedent of the judgments of this Court in *Indra Sawhney* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385] and *Valsamma Paul* [*Valsamma Paul v. Cochin University*, (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713] . Therefore, the impugned judgment and order [*Delhi Subordinate Services Selection Board v. Ram Kumar Gijroya*, 2012 SCC OnLine Del 472 : (2012) 128 DRJ 124] passed by the Division Bench of the High Court is liable to be set aside and accordingly set aside. The judgment and order dated 24-11-2010 passed by the learned Single Judge in *Ram Kumar Gijroya v. Govt. (NCT of Delhi)* [*Ram Kumar Gijroya v. Govt. (NCT of Delhi)*, WP (C) No. 382 of 2009, order dated 24-11-2010 (Del)] is hereby restored."

15. Similar view has been taken by the Delhi High Court in ***Babita Kadian Vs. Union of India & Ors.*** 217, (2015) DLT 76 (DB) and ***Ajay Kumar Vs. Staff Selection Commission***, 217 (2015) DLT 502 (DB).

16. Moreover, in WP(C)7304/2010 ***Manjusha Banchhore Vs. Staff Selection Commission and Anr.*** decided on 6th May, 2013, a Division Bench of this Court had the occasion to examine the question of undertaking taken from the petitioner/candidate, in the prescribed format, at the time of interview. In the said undertaking the petitioner had agreed that she could

not furnish the OBC certificate in the prescribed proforma, therefore, her candidature should be considered in the unreserved category instead of OBC category. Keeping in view the nature of certificate it was observed that the petitioner therein was faced with a Hobson's choice to take it or leave and therefore, undertaking given was not voluntary. Similar undertakings were taken from several other candidates. However, more important are the observations of the court on the question of OBC certificate and its relevance, which read as under:

“17. The last decision dealt with the subject of an OBC certificate issued prior to three years preceding the cut off date and held that the stipulation in the advertisement that the OBC certificate had to be within the three preceding years of the last cut off date was legal and valid because as against SC and ST candidates, creamy layer OBC candidates are not entitled to benefit of reservation. In other words the decision explain that a person may be below the income/wealth level in a particular year and hence entitled to benefit of reservation as an OBC, but may be above the prescribed income/wealth level thereafter. The decision has no application in the facts of the instant case. As regards the other two the law declared is that certificates issued after prescribed cut off dates have to be ignored. The said two decisions have no application in the instant case because the advertisement inviting applications did not prescribed any cut off date by which the certificates had to be furnished.

18. Besides, the law declared in Ram Kumar Gijroya's case (supra) and Krishna Kumar's case (supra) overlooks a fundamental point. The two decisions seem to be influenced by the line of reasoning found in various decisions that eligibility has to be obtained prior to the cut off date. In these decisions the certificates such as degrees etc. were issued after the prescribed cut off dates by which applications had to be filed. The two decisions over looked that a person becomes a member of a caste by birth and the certificates are not akin to certificates certifying that a person has acquired a

degree. Caste Certificates are more in the nature of a memorandum recording a fact pertaining to birth. This was the view correctly taken in the decision dated February 17, 2010 disposing of WP(C) 13870/2009 *Delhi Subordinate Services Selection Board & Anr. vs. Anu Devi & Anr.* The Division emphasized that reservations for SC, ST and OBC are beneficial legislations and that submission of an OBC certificate to claim reservation could not be equated with acquisition of Educational Qualifications.”

17. Following the said reasoning, we would observe that the petitioner herein had furnished the OBC certificate, which was not in the prescribed proforma. We have observed on the basis of preponderance of probabilities that the petitioner was informed about the subtle difference between the certificate required to be furnished and thereupon had obtained a copy of the relevant certificate which was then furnished on 30th June, 2016. The Selection List had not yet been prepared. We have also referred to the incongruity as to the date for submission of the certificate mentioned in the undertaking i.e. 26th May, 2016 and the stand taken by the respondents in the counter affidavit that the certificate could not have been submitted by 7th June, 2016. In fact, it appears that the certificates were accepted even on subsequent dates.

18. In view of the aforesaid discussion, we would allow the present writ petition and direct the respondents to consider the petitioner’s case as an OBC candidate and not reject the same on the ground that petitioner had not submitted the OBC certificate within the prescribed time. Petitioner’s candidature would be, accordingly, processed and considered and in case she is found eligible and qualified on merits, she would be issued a letter of offer of appointment within a period of two months from the date a copy of this order is received. She will not be entitled to backwages and her

appointment will be against an existing vacancy. However, she shall be given notional seniority along with her batchmates. Her pay will be fixed notionally. In the facts of the present case, there would be no order as to costs.

(SANJIV KHANNA)
JUDGE

(A.K. CHAWLA)
JUDGE

SEPTEMBER 22nd, 2017
NA/ssn

