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

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Decision delivered on: 23.08.2021

+ **W.P.(C) 8777/2021 and CM Nos. 27329-30/2021**

DELHI SUBORDINATE SERVICE SELECTION BOARD & ANR.

..... Petitioners

Through: Mrs. Avnish Ahlawat, Standing
Counsel, DSSSB with Ms. Tania
Ahlawat, Mr. Nitesh Kumar Singh
and Ms. Palak Rohmetra, Advocates.

versus

RAHUL DABAS

..... Respondent

Through: Ms. Sangeeta Bharti, Counsel for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened via video-conferencing on account of COVID-19]

CM No. 27330/2021

1. Allowed, subject to just exceptions.

W.P.(C) 8777/2021 and CM No. 27329/2021 [Application filed on behalf
of the petitioners seeking stay on the operation of the impugned order
dated 17.06.2021]

2. This writ petition is directed against the order dated 17.06.2021,
passed by the Central Administrative Tribunal (in short "the Tribunal"),
Principal Bench, New Delhi in O.A. No. 2107/2016.

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3. The short issue involved in the present matter, according to Ms. Avnish Ahlawat, who appears on behalf of the petitioners, is: whether the Tribunal could have asked the petitioners to consider the case of the respondent [i.e., the original applicant] for appointment to the subject post, when he had himself not indicated in the OMR sheet that he fell in the category of OBC “from Delhi”?

4. A perusal of the impugned order would show that, the Tribunal was of the view that, the aforementioned aspect [that is, the category claimed by the candidate], forms material part of the verification, which is to take place, only when the concerned candidate appears physically with his credentials.

4.1. Pertinently, the Tribunal has not directed the petitioners to consider the respondent for appointment to the subject post, even if he failed to establish that he was an OBC “from Delhi”.

4.2. In other words, the Tribunal, in effect, has taken the view that, merely, because the respondent had failed to correctly indicate in the OMR sheet that he is an OBC “from Delhi”, the petitioners cannot disentitle him from being considered for the subject post, if he was otherwise eligible, and able to establish, based on relevant documents, that he was an OBC “from Delhi”.

5. Therefore, given the foregoing, we are of the view that, no interference is called for with the impugned order. The Tribunal has exercised its discretion based on eminently reasonable and fair grounds

5.1. Via the impugned order, the petitioners have only been directed to verify the credentials of the respondent as to whether or not he is an OBC “from Delhi”, as claimed by him. This will, obviously, be subject to the petitioner fulfilling other eligibility criteria stipulated qua appointment to the

subject post.

6. The writ petition is, thus, dismissed. Consequently, the pending application shall also stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

AUGUST 23, 2021/mr

[Click here to check corrigendum, if any](#)

