



2025:DHC:1094-DB



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

+ **W.P.(C) 2165/2025, CM APPLs. 10177/2025 & 10178/2025**

**DELHI SUBORDINATE SERVICES SELECTION BOARD &
ANR.**

.....Petitioners

Through: Mr. Gaurav Dhingra, Adv. with
Mr. Shashank Singh, Adv.

versus

RITURAJ KHANDAL

.....Respondent

Through: Mr. Anuj Aggarwal, Mr.
Subham Bahl, Mr. Manas Verma, Mr. Nikhil
Pawar, Ms. Kritika Matta, Mr. Avinash
Kumar and Mr. Pradeep Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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19.02.2025

C. HARI SHANKAR, J.

1. In May 2012, the Delhi Subordinate Services Selection Board¹ issued Advertisement No. 02/2012 inviting applications from candidates who wish to seek recruitment to the post of TGT (Sanskrit) (Male). Applications were required to be submitted on or before 15 June 2012.

2. In the light of controversy before us, it is necessary to reproduce

¹ "DSSSB" hereinafter



the following Clauses of the advertisement:

“(9) MODE OF SELECTION

(i) The selection shall be made by the Board by way of written examination(s), the dates of which will be notified subsequently. The examinations will be held at various centers in Delhi only.

(ii) Wherever Combined Part-I (Objective type) and Part-II (Descriptive type) are held together, Part-I (objective type) examination will be of qualifying nature for short listing the candidates. The part-II question-cum-answer booklets (descriptive type) of only those candidates who have been short listed in Part-I examination, will be evaluated. Final merit list of candidates will be prepared on the basis of performance of candidates (marks secured) in the Part-II (descriptive type) Examination only.

(iii) The Board has full discretion to fix minimum qualifying marks for selection in different categories i.e. UR/SC/OBC/PH/EXSM in order to achieve qualitative selection and to recruit the best talent available.

(iv) There will be separate selection list for all the posts wherever applicable.

(v) *The Board makes provisional selection of the candidates on the basis of information and documents/certificates provided by the candidate in his/her application form and recommend the same to the indenting department. Further the Appointing Authority i.e. the indenting department verifies and satisfies itself about the authenticity of documents/certificates and eligibility as per the Recruitment Rules before finally appointing the candidate(s).* Therefore, the provisional selection of a candidate confers him/her no right of appointment unless the Appointing Authority is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post.

(vi) In case of combined examination for more than one related posts the preference order of the posts by the candidate will be obtained in relevant column in OMR sheet on the day of examination and will be considered accordingly subject to the availability of the vacancy.

(vii) If there are two or more candidates in the same category having equal marks in the examination the candidate older in age gets preference.



(viii) The Board does not maintain/operate any reserve list in selection.

(10) **CANCELLATION OF CANDIDATURE**

(i) The candidates applying for the posts should ensure that they fulfill all the eligibility conditions. Merely because a candidate has been allowed to appear at the examination will not be considered as a valid ground for his/her being eligible for the selection. **If on verification at any time before or after the written examination or at any stage of recruitment process, it is found that they do not fulfill any of the eligibility conditions on the closing date of receipt of application, his/her candidature for the post applied for, will be cancelled by the Board/Appointing Authority.**

(ii) Candidates are cautioned that they should not furnish any incomplete or false information or indulge in impersonation or submit any document which is defective or fabricated or otherwise commit any act of misconduct in submitting the application forms or during the course of recruitment or fraudulently claim SC/ST/OBC etc. and other benefits. In the event if any such case is detected, the Board/Appointing Authority reserves its right to withdraw/cancel any selection and take legal action against the candidate concerned. The candidate may be permanently or for a specified period **debarred** from taking part in the recruitments conducted by the Board.

(iii) **Candidates are cautioned to fill up their identity particulars on OMR answer sheet of Part I examination carefully. If it is found that the identity particulars of the candidate such as roll number etc and the particulars of the question booklet including question booklet number and question booklet series are wrongly filled or are left blank, his/her OMR answer sheet will not be evaluated and shall invite cancellation of his/her candidature.”**

(Italics supplied; emphasis otherwise in original)

3. There is no dispute about the fact that all requisite documents, which were required to be submitted by candidates along with the applications were in fact submitted by the respondent.



2025:DHC:1094-DB



4. An e-admit card was issued to the respondent, who was assigned Roll No. 52000071. The written examination was conducted on 28 December 2014 by the DSSSB. The respondent appeared in the examination.

5. The result of the written examination was uploaded on the website of the petitioner on 24 November 2015. The respondent scored 83.75 marks out of 200.

6. It appears that, thereafter, successive result notices were issued by the petitioner, each time lowering the cut-off marks for candidates who were shortlisted for further participation in the selection procession. Result Notice 184, uploaded by the petitioner on 13 September 2017, contained a list of 26 Unreserved candidates (to which category the respondent belongs), over and above the candidates whose names had figured in the earlier list uploaded by the petitioner.

7. According to the respondent, the last candidate figuring in the in the Result Notice No. 184, Abhay Kumar Dixit, had scored 83.25 marks, which was less than the respondent's score of 83.75.

8. Nonetheless, the respondent's name did not figure in the list of selected candidates notified by Result Notice 184 issued on 13 September 2017.

9. On 13 September 2017 itself, the petitioner uploaded Rejection



2025:DHC:1094-DB



Notice 185, notifying the name of 74 candidates whose candidature had been rejected by the DSSSB. The name of the respondent appeared at S. No. 71 of the said list. The reason assigned for rejecting the respondent's candidature was that he had not uploaded his e-dossier during the time provided therefor.

10. The requirement of uploading of documents by e-dossier appears to have been introduced by way of notice dated 14 July 2017, issued by the DSSSB, which reads thus:

**“GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA,
DELHI-110092**

No. F. 73/Rect/Int Cell/DSSSB/2016-17/164 Dated: 14/07/2017

NOTICE

**Kind Attention:- Candidates for the Post of TGT (Sanskrit)
Male Post Code-116/12.**

The remaining candidates for Post Cone-116/12 who are under consideration zone as per their merit in corresponding categories are requested to download the Form-I and the checklist already available as annexure 'A' & 'B' to its notice. The candidates are requested to check their OARS module in the Board's website & fill the above Form-I and upload the same as per checklist alongwith all the documents of Educational/Professional Certificates/ Degree and Mark sheets/B Ed/CTET/Disability Certificate/Caste Certificate/Proof of Govt Servant/Ex Servicemen. Admit Cards etc. as applicable in the OARS module.

The last date of uploading the documents has been fixed on **28.07.2017**. The candidate must fulfill all the eligibility criteria as on the cutoff date i.e. **15/06/2012** for Post Code-116/12.

Note: OBC (outsider) candidates have been treated as UR candidates.



2025:DHC:1094-DB



Mere asking the candidates for uploading documents in the e-dossier module does not entitle them for selection to the post. It is also clarified that the candidates who fail to upload their documents on or before the date as mentioned above will not be given any further opportunity and their candidature will be treated as cancelled.

Encl. Checklist & Form-I

Dy. Secretary, DSSSB

11. The aforesaid notice was followed by notice dated 30 November 2017, which read thus:

**“GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA,
DELHI-110092**

No.F.41/TGT/Sanskrit)/Male/Int. Cell/DSSSB/2015-16/ Dated:

NOTICE

Final Opportunity to upload deficient documents in case of recalled e-dossiers.

Kind Attention:- Candidates for the Post of TGT (Sanskrit) Male, Post Code-116/12.

Some of the shortlisted candidates for the post of **TGT (Sanskrit) Male, Post Code-116/12** have not uploaded the required essential documents in their e-dossiers. The candidature of these candidates have been kept pending for want of requisite documents/clarification. A last & final opportunity is being given to such candidates for uploading their deficient documents/clarification upto **08/12/2017**.

Therefore, such candidates have been informed through SMS on their mobile no. as registered in their OARS and also advised to check their e-dossier module for the deficient documents and upload the same **w.e.f. 01/12/2017 to 08/12/2017**, failing which their candidature will be rejected and no further opportunity will be given on what so ever ground.

This issues with the prior approval of the Competent Authority, DSSSB.



2025:DHC:1094-DB

**Dy. Secretary, DSSSB**

No.F.41/TGT/Sanskrit)/Male/Int. Cell/DSSSB/2015-16/347

Dated: 30/11/2017”

12. Though the respondent sought to contend that he had not been informed of the need to uploading his documents by e-dossier by SMS, that does not appear to be correct, as the petitioner has placed on record a screen shot which seems to indicate that an SMS had indeed been sent to the respondent on 14 July 2017, requiring the respondent to upload the relevant documents by e-dossier.

13. *We may also note, at this point that the documents which the candidates were required to upload in the form of e-dossier were the same documents of which hard-copies were required to be furnished by the candidates along with their application form, as per the advertisement issued in May 2012. Admittedly, these documents were furnished by the respondent with his application form, as required.*

14. Aggrieved by the aforesaid rejection notice, the respondent approached the Central Administrative Tribunal² by way of OA 1039/2019.

15. The respondent sought, in the said OA, setting aside of the rejection notice dated 13 September 2017 and accepting of the documents of which hard copies had been furnished by the respondent

² “the Tribunal” hereinafter



with the application form or in the alternative, grant to the respondent of an opportunity to furnish the documents by e-dossier. A direction was also sought to the petitioner to consider the candidature of the respondent for appointment to the post of TGT (Sanskrit) (Male) with effect from the date when other candidates, who had uploaded their documents by e-dossier, were considered.

16. The Tribunal has allowed the respondent's OA, directing thus:

“11. In view of the above, we cannot take a divergent view to that of the Co-ordinate Bench of this Tribunal. In view of the above, the present OA is allowed. The respondents are directed to accept the e-dossier of the present applicant and if he has the legitimate eligibility for the post which he applied for, he 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.1) and employed by Respondent No.2 will continue to be in service and their rights shall not be affected by this order in any manner.”

17. There can, therefore, be no doubt about the fact that the petitioner had in fact called upon the candidates to furnish the documents by e-dossier and may have also sent an SMS in that regard to the respondent. Had the respondent noticed the SMS, there is really no reason, according to us, as to why he would not have uploaded the documents by e-dossier. Perhaps, the respondent may not have noticed the SMS sent to him.

18. That, however, is not, according to us, determinative of the controversy in dispute. *What the Court has to assess is whether the petitioner could have cancelled or rejected the candidature of the*



respondent on the sole ground that the respondent had not uploaded the documents by e-dossier, despite the fact that hard copies of the very same documents had been furnished by the respondent along with his application pursuant to the advertisement issued in May 2012.

19. Mr. Dhingra, learned Counsel for the petitioner, has placed reliance on three judgments passed by the Division Benches of this Court, i.e.

- (i) ***Pushpendra Singh Parnami v Delhi Subordinate Services Selection Board***³,
- (ii) ***Jyoti v Govt. of NCT of Delhi***⁴ and
- (iii) ***Govt of NCT of Delhi and Ors v Sheetal***⁵

20. Having examined the issue, we are unable to sustain the decision of the petitioner to reject the respondent's candidature on the sole ground that the respondent had failed to upload the documents by e-dossier as directed by the SMS issued to the respondent and as envisaged by the Notices dated 14 July 2017 and 30 November 2017.

21. The clauses in the advertisement relating to the "Mode of Selection", particularly in Clause (9)(v), clearly state that the DSSSB may make provisional selection of candidates and forward the list of candidates recommended and provisionally selected to the indenting departments "*on the basis of information and documents/certificates provided by the candidates in his/her application form*".

³ Order dated 25 March 2019 in **WP(C) 2892/2019**

⁴ Order dated 22 April 2019 in **WP(C) 4085/2019**

⁵ **MANU/DE/5733/2023**



22. *Thus, the documents and certificates furnished by the candidate with the application form in hard copy were to constitute the basis for provisional selection to be made by the DSSSB and for the list of selected candidates, recommended for appointment, to be forwarded by the DSSSB to the indenting departments.*

23. There is nothing in the advertisement which envisages the DSSSB referring to any subsequent documents furnished by the candidate by way of e-dossier as the basis for finalizing the list of provisionally selected candidates to be forwarded to the indenting departments.

24. *Thus, all the documents on the basis of which the DSSSB was to provisionally select the candidates and forward the list of provisionally selected candidates to the indenting departments had been furnished by the respondent and were available with the DSSSB. Even on this sole ground, there is no justification for the DSSSB not proceeding to consider the case of the respondent for inclusion in the list of provisionally selected candidates, once the respondent had furnished the hard copies of the requisite documents as per the advertisement, along with its application form. This was all that required to be done as per the advertisement and, this having been done, the petitioner could not have rejected the respondent's candidature for the sole reason that the respondent had not sent the same documents by way of e-dossier in response to the later notices issued by the petitioner on 14 July 2017 and 30 November 2017.*



2025:DHC:1094-DB



25. We may clarify that we are not disputing the petitioner's right to call for the documents by e-dossier. In order to facilitate its work, and expedite the selection process, the petitioner was well within its right to call upon candidates to again submit the documents by e-dossier.

26. The issue before us is whether, merely on the ground that there was a default on the part of a particular candidate in doing so, it could constitute a ground not to consider the candidature of the candidate for provisional selection or reject the candidature of the candidate. At the cost of repetition, *inasmuch as all requisite documents on the basis of which the DSSSB was to prepare provisional list of selected candidates and forward the list to intending department, as per Clause (9)(v) of the advertisement had already been provided by the respondent, the petitioner could not have declined to consider the respondent's candidature merely for failure to submit the same documents in e-dossier form.*

27. We find further support for our view from Clause 10 of the advertisement which set out the circumstances in which the candidature of a candidate could be cancelled.

28. *None of the sub-clauses of Clause 10 of the advertisement envisages cancellation of the candidature of a candidate merely for non-uploading of an e-dossier containing the documents which had*



2025:DHC:1094-DB



already been submitted by the candidate in hard copy along with the application.

29. It is a well-settled principle that a candidate's candidature cannot be cancelled save and except in the manner stipulated in the advertisement. *Where the advertisement envisages certain specific circumstances in which a candidate's candidature could be cancelled, the candidature could be cancelled only in those circumstances and in none else. Failure to upload an e-dossier is not one of the circumstances envisaged in Clause 10 of the advertisement on the basis of which a candidate's candidature could be cancelled.*

30. Insofar as the judgments in ***Pushpendra Singh Parnami, Jyoti*** and ***Sheetal***, on which Mr. Dhingra places reliance, are concerned, none of the said decisions even make a reference to the clauses of the relevant advertisement, which was before the Court in those cases. We are unaware, therefore, if the clauses of the advertisement before the Court in those cases were the same as those which are available in the present case. Even if they were, the said decisions are *sub silentio* on the implication of the clauses in the advertisement and cannot, therefore, constitute precedents for the present case in which we have proceeded on the basis of the clauses in the advertisement.

31. Mr. Dhingra also sought to submit that it was the duty of the respondent to follow up the website of the petitioner. That may be so. However, the issue before the Court is somewhat more subtle. The Court is concerned with the issue of whether the respondent's



2025:DHC:1094-DB



candidature could be refused to be considered for provisional selection merely because the respondent may not have noticed the requirement of uploading of the documents by e-dossier or, accordingly, done so.

32. We are of the firm view that the answer has to be in the negative.

33. For all these reasons, therefore, we uphold the decision of the Tribunal to directing that the respondent's candidature be considered on the basis of the documents submitted by him at the time of filing of the application.

34. The directions issued by the Tribunal are, therefore, upheld in their entirety.

35. The writ petition is accordingly dismissed, with no orders as to costs.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 19, 2025

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Click here to check corrigendum, if any