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

Date of decision: 26.05.2025

+ W.P.(C) 7293/2025
DELHI SUBORDINATE SERVICES SELECTION BOARD
AND ORSPetitioners

Through: Mrs.Avnish Ahlawat,
SC/DSSSB with Mr.Nitesh
Kumar Singh, Ms.Laavanya
Kaushik, Ms.Aliza Alam,
Mr.Mohnish Sehrawat &
Mr.Amitoj Chadha, Advs

versus

SUNANDARespondent
Through: Mr.Anuj Aggarwal, Ms.Divya
Aggarwal, Mr.Pradeep Kumar
& Ms.Anjali Bansal, Advs

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 32826/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 7293/2025 & CM APPL. 32825/2025

2. This petition has been filed challenging the Order dated 24.09.2024, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (in short, 'Tribunal'), in O.A. No. 967/2021, titled *Sunanda v. Delhi Subordinate Services Selection*



Board (DSSSB) & Ors., filed by the respondent herein, whereby the Tribunal has passed the following directions:

“5. CONCLUSION :

5.1 In view of the aforesaid, we allow this OA. The rejection of the candidature of the applicant for the post in question is quashed and set aside. Accordingly, the respondents are directed to treat the candidature of the applicant under "OBC" category and, thereafter, offer her appointment letter to join, if she is otherwise found eligible. However, the applicant shall be placed below the last selected candidate in her category. This exercise shall be completed within a period of two month from the date of receipt of a certified copy of this order. Needless to say, that the actual benefits shall accrue to the applicant from the date of her joining.”

3. The facts that give rise to the present petition are not in dispute. The respondent had applied for the post of Teacher (Primary) under Post Code 16/17 in the Municipal Corporation of Delhi (MCD), pursuant to an advertisement issued by the petitioners on 07.08.2017.

4. As she had applied for a post reserved for the Other Backward Category candidate, the relevant terms of the advertisement, prescribing the necessary certificate required for the same, are reproduced hereinbelow:

“5. RESERVATION BENEFITS:

XXXXXX

(iii) Only OBC (Delhi) candidates will be given the benefit of reservation/age relaxation under OBC category. OBC (Outside) candidates will be treated as Unreserved candidate and they must apply under UR category. The OBC candidates must be in possession of non-Creamy layer certificate, along with his/her caste certificate.



(iv) Only following two types of certificates will be accepted as valid certificates for grant or benefit of reservation to OBCs:-

(A) OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of a old certificate issued to any member of individual's family from GNCT of Delhi.

(B) OBC certificate issued by a competent authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. This certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of NCT or Delhi to a family member of the concerned person who had been residing in Delhi before 08/09/1993."

5. The respondent participated in the selection process whereafter, by the result declared on 17.07.2020, she was placed in the pending list of OBC category at Serial No. 14, and was asked to upload an OBC (Delhi Certificate) before the cut-off date. The respondent claims that she did not become aware of the result being published and, therefore, could not upload her certificate. Thereafter, a supplementary result, *vide* notice no. 1241, was issued by the petitioners on 13.01.2021, this time placing the respondent in the pending list of the OBC candidates at Serial No. 9. On this occasion, the respondent uploaded the certificate, which appears at page 103 (Annexure 5 to this petition), along with another certificate, which appears at page 104 of the paper book. Realizing that the certificate at page 104 was not for OBC (Delhi Candidate), the respondent sought to upload another certificate, which appears at page 102 of the paper book, however, as by then the portal had closed, she sent the said certificate by way of speed post.



6. Her candidature was, however, rejected by the petitioners on the ground that she had uploaded a wrong certificate and, therefore, was not eligible to be considered against the OBC reserved post.

7. The learned Tribunal, however, by the Impugned Order, has observed that the petitioners should have considered the certificate that was later sent by the respondent after realizing her earlier mistake, as this would not change her status as an OBC candidate.

8. The learned counsel for the petitioners submits that the certificate submitted post the cut-off date cannot be considered in the selection process. In support, she places reliance on the judgment of the Supreme Court in ***Sakshi Arha v. High Court of Rajasthan & Ors.***, (2024) 2 SCC 671.

9. On the other hand, the learned counsel for the respondent submits that even as per the certificate which was uploaded within the cut-off date and appears at page 103 of the paper book, the respondent's candidature for the OBC category could not have been rejected by the petitioners. He submits that the petitioners should be directed to consider the application of the respondent only on the basis of the certificate that appears at page 103 of the paper book, and he would not place reliance on the other certificates, that is, the ones appearing at page 102 or page 104 of the paper book for the same.

10. Keeping in view the fact that the certificate which appears at page 103 of the paper book was admittedly submitted within the cut-off date by the respondent, we dispose of this petition by directing the petitioners to consider the case of the respondent in terms of the said certificate. We make it clear that in such consideration, the certificates



at pages 102 and 104 shall not be considered by the petitioners.

11. In case the said certificate does not meet the requirements as per the advertisement, the petitioners, while rejecting the candidature of the respondent, shall communicate the reasons thereof to the respondent within a period of four weeks from today. It shall then be open to the respondent to challenge the said decision in accordance with law.

12. However, if the respondent is found eligible for being considered against the OBC category, further process in terms of the direction of the Impugned Order shall be undertaken by the petitioners within the same period.

13. The appeal, along with the pending application, is disposed of in the above terms and directions.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 26, 2025/rv/VS

Click here to check corrigendum, if any