
(2019) 07 CAT CK 0054

Central Administrative Tribunal Principal Bench, New Delhi

Case No: Original Application No. 2487 Of 2017

Shakuntala

APPELLANT

Vs

Govt. Of NCT Of Delhi
And Ors

RESPONDENT

Date of Decision: July 30, 2019

Hon'ble Judges: S.N. Terdal, J; A.K. Bishnoi, Member (A)

Bench: Division Bench

Advocate: Ajesh Luthra, Amit Anand

Final Decision: Allowed

Judgement

S.N. Terdal, J

1. We have heard Mr.Ajesh Luthra, counsel for applicant and Mr. Amit Anand, counsel for respondents, perused the pleadings and all the documents

produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

a) Quash and set aside the impugned order dated 06.06.2017 (Annexure A/1) to the extent it relates to the applicant and

b) Direct the respondents to further consider the applicant for appointment to the Post of Supervisor Grade II 9(Female) Post Code 212/14.

c) Accord all consequential benefits

d) Award costs of the proceedings; and

e) Pass any order/relief/direction(s) as this Hon^{ble} Tribunal may deem fit and proper in the interests of justice in favour of the applicant.■

3. The relevant facts of the case are that the applicant applied for the post of Supervisor Grade-II (Female) Post Code-212/14 in response to the

advertisement of Delhi Subordinate Services Selection Board (DSSSB) in the year 2014. In the examination held, she having secured 135.50 marks,

was short listed for the said post and she was asked to upload documents in support of her candidature. The essential qualifications for the said post

are that the candidate should be a graduate preferably in Home Science or Child Development or Nutrition of Social work from recognized

University/Board or matriculation with 10 years experience as an Anganwadi Worker. She has also completed MA from IGNOU. The applicant is a

B.A. Graduate from Delhi University having completed her graduation in 2007. Her case is that she had at the time of submitting the application she

had applied on the basis of graduation, but, however she was rejected by the impugned rejection notice no. 150 on the ground that she was not having

required experience as Anganwadi worker.

4. In the counter reply, the respondents have stated that the applicant was directed to upload her documents on e-dossier module and in the e-dossier

form uploaded by the applicant, she had given details against the column regarding "matriculation qualification", whereas against the column name

of the "graduate degree" she had stated "not applicable" and she had not uploaded mark sheet and degree certificate and also against the

column regarding "experience" as Anganwadi worker she had again mentioned as "not applicable". In view of the above said responses of

the applicant in the e-dossier module, by the impugned rejection notice her candidature was rejected vide order dated 06.06.2017. The case of the

applicant is that she had applied on the basis of her graduation. She had immediately on 14.06.2017 sent a representation giving details of her having

applied on the basis of graduation as such she had no experience of Anganwadi worker. At the time of hearing, we have gone through the print of

online screen requiring uploading of the documents. It is confusing. While seeking response against the column "degree acquired" it states that the

said column is "optional". The counsel for the applicant submits that this led to the confusion in not submitting the degree certificate and the mark

sheet of the degree acquired by the applicant while filling up the on line uploading form. He further submitted that in the original application form as

well as in the representation submitted immediately within 8 days she has stated that she had applied on the basis of graduation as such it is a genuine

mistake. From the perusal of the records it is seen that there is an interim order for keeping one post vacant.

5. The counsel for the respondents vehemently and strenuously contended that as stated in the counter reply, the applicant having stated "not

applicable" in the on line uploading form against the column "graduation degree", she was not considered against the degree holder and she

having given particulars of her matriculation qualification and having not given 10 years experience certificate as Anganwadi worker her candidature

was rightly rejected.

6. In view of the fact that the on line uploading form was confusing and the applicant having applied on the basis of her graduation and immediately

after the rejection notice she having made representation to the respondent- Board and in view of the fact that interim order keeping one post vacant

operating in her favour, we are of the view that this OA requires to be allowed.

7. Accordingly, the OA is allowed. Rejection notice no.150 dated 06.06.2017 is set aside. The respondents are directed to appoint the applicant to the

said post of Supervisor Grade-II, Post Code No. 212/14 with all consequential benefits if she is otherwise eligible within a period of three months from

the date of receipt of this order. But, however, she is not entitled to backwages. No order as to costs.