

Proceedings of the sitting on 16/03/2010 of Hon'ble Member Shri Oris Syiem Myriaw with Additional Commissioner (Edu.), MCD & Deputy Secretary , Delhi Subordinate Services Selection Board

A list of officers present in the sitting is at Annexure.

ISSUE

Non declaration of result for the post of Primary Teachers in MCD in respect of ST candidates by DSSSB.

BACKGROUND

A representation dated 07/10/2009 was received from Shri Vidayanand regarding non declaration of result for the post code 16/2008, Primary Teacher in MCD by the Delhi Subordinate Services Selection Board. The matter was taken up with the D.S.S.S.B vide Commission's letter dated 09/10/2009 followed by reminder dated 17/12/2009. The D.S.S.S.B in their reply dated 08.12.2009 informed that keeping in view the judgement of Hon'ble Apex court dated 04.08.2009 as passed in Civil Appeal No. 5092/2009 arising out of Petition(s) for Special Leave to Appeal (Civil) No(s). 24327/05 Subhash Chandra & Anr. V/s DSSSB & Ors., they have not processed the result of ST category candidates and has referred the matter to Services Department of Govt. of NCT of Delhi.

It was further clarified by the DSSSB, vide their letter dated 11.03.2010 that CAT vide its order dated 06.01.2010 in O.A. 12/2010 has directed the Board to either declare the results of the candidates for the post of Teacher (Primary) within a period of two months from the date of receipt of a copy of the order or at least inform the applicants the reasons as to why the results were not being declared so far.

In view of the above, Shri Tsering Samphel, Hon'ble Member decided to have a discussion with the Chairman, DSSSB and the Commissioner, MCD on 16/03/2010 at 1130 hrs in the Commission. Due to some unavoidable circumstances, Shri Tsering Samphel, Hon'ble Member couldn't attend the discussion and the Sitting/ discussion was chaired by Shri Oris Syiem Myriaw, Hon'ble Member, NCST.

DISCUSSION

The DSSSB mentioned that they had processed the result of ST candidates, but in view of Supreme Court order dated 04.08.2009, the result was withheld and the matter was referred to the Services Department of the Govt. of NCT of Delhi for further instructions.

It was explained by the Commission that Supreme Court in their decision dated 13.11.2009 had made it very clear that their decision dated 04.08.2009 was to be implemented prospectively. Therefore, it implied that whatever admissions and recruitments were in the process, were to be decided as per their notifications, as already implemented by DTU for admissions. Moreover, CAT, Principal Bench, Delhi had also decided in favour of declaration of the result of ST candidates for the post of Teachers (Primary) in MCD.

The Commission further expressed that if DSSSB had followed the Supreme Court Orders dated 04.08.2009 directly without the clarification/orders from the Services Department, Govt. of NCT of Delhi, then why the clarification of Supreme Court vide its order dated 13.11.2009 to implement its order dated 04.08.2009 prospectively was not implemented and sent to the Services Department, Govt. of NCT of Delhi, for their instructions.

RECOMMENDATION

In view of the Supreme Court clarification dated 13.11.2009 and CAT, Principal Bench, Delhi order dated 06.01.2010, the Commission recommended that the result of ST candidates for the post of (code 16/2008) Teacher (Primary) in MCD should be declared latest by 31.03.2010 and an action taken report to this effect to be submitted to the Commission by the DSSSB.

ANNEXURE

NCST

1. Shri Oris Syiem Myriaw, Hon'ble Member..... In Chair
2. Shri Aditya Mishra, Joint Secretary
3. Shri Vinod Aggarwal, Director
4. Shri N.K.Kaushik, Assistant Director

Municipal Corporation of Delhi

1. Shri Janak Digal, Additional Commissioner (Edu.)
2. Shri R.C. Baweja, S.I. Education Department.

Delhi Subordinate Services Selection Board

1. Shri Dharendra Kumar, Deputy Secretary
2. shri G.C. Lohani, Deputy Secretary

Petitioners

1. Shri Vidayanand, J-246 ,Old Seema Puri
2. Ms. Laxmi, 23-A Laxmi Vihar