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

Date of decision: 08.10.2025

+ W.P.(C) 12657/2019
MRS. LAXMI

.....Petitioner

Through: Mr. Manoj Joshi & Mr. Rahul
Sharma, Advs.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD
AND ORS.Respondents

Through: Mrs.Avnish Ahlawat, SC,
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam and
Mr.Mohnish Sehrawat, Advs.
Ms.Namrata Mukim, SC
(MCD) with Ms.Niharika Singh
and Ms.Sakshi Saxena, Advs.
for R-2/MCD

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 19.08.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in CP No.332/2019 in O.A. No. 4405/2013, titled ***Ms.Laxmi v. Ms.Geetanjali Gupta & Ors.***, whereby the learned Tribunal closed the contempt petition filed by the petitioner herein, by observing that



there is no case of non-compliance made out.

2. The petitioner had filed the above contempt petition alleging non-compliance by the respondents of the Order dated 27.03.2019 passed by the learned Tribunal in the above O.A.. By the said order, the O.A. filed by the petitioner had been disposed of with the following direction:

“10. We, therefore, allow the OA and direct the respondents to consider the case of the applicants for appointment to the concerned post of Teacher by recognizing them as candidates belonging to ST category, subject to the certificates being found genuine and their fulfilling other conditions stipulated in the Notification. The exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.”

3. In response to the contempt petition, the respondents filed a compliance affidavit dated 14.08.2019, *inter alia*, stating as under:

“2. In compliance of above order, the case of Ms. Laxmi (Roll No. 1623233) DOB: 23.01.1988 has been examined and in this regard following is submitted before this Honb’le Tribunal:-

(i). That the Board vide its advertisement No. 02/2008 with closing date as 12.08.2008 had advertised 1000 vacancies {(UR-505, OBC-270, SC-150 & ST-75) including EXSM-100, PH(OH)-16 & PH(VH)-14} for the post of Teacher (Primary) in MCD under post code 16/08. The eligibility for the post is determined as per the RRs of the post as supplied by the user department.

(ii). That as per the then existing policy, the minimum qualifying marks in written examination for different categories were 45% for UR, 35% for OBC/SC/ST/PH.

(iii). That the cut-off marks for final selection



for the post of Teacher (Primary) under post code for different category were 114/200 for UR, 101/200 for OBC, 94/200 for SC, 109/200 for PH(O), 101/200 for VH, 71/200 for EXSM candidates.

(iv). That 395 candidates have scored above minimum qualifying marks under ST category i.e. 70 marks out of 200. Further, out of these 395 candidates, 03 candidates were selected in UR category on merit. Hence, the selection for the post of Teacher (Primary) under post code 16/08 is only upto rank 78 and the candidate who is at 78 rank has secured 98 marks.

(v). That Ms. Laxmi had applied for the post of Teacher (Primary) in MCD under post code 16/08 in ST category. Ms Laxmi appeared against Roll No. 1623233 in the written examination for the post held on 15.02.2009. Final result for the said post was declared on 06.10.2009.

(vi). That the applicant namely Ms. Laxmi was shortlisted in ST category in Part-I (objective) examination and secured 94/200 marks in Part-II (descriptive) written examination and was ranked 108 in ST category on the basis of Part-II examination. As there were only 75 posts under ST category, hence, the candidature of Ms. Laxmi (Roll No. 1623233) could not be considered for selection under ST category being lower in merit. Further, as Ms. Laxmi was shortlisted in ST category in Part-I examination, therefore her candidature cannot be considered in UR category also for final selection as she had secured only 94 marks whereas the cut-off marks for final selection under UR category were 114 marks out of 200 marks.

(vii) The candidature of the contemnor namely Ms. Laxmi has been considered under ST category but she could not be selected in ST category being lower in merit in ST category for the post as she secured 94/200 marks in Part-II (descriptive) written examination and was ranked 108 in ST category against 75 vacancies reserved for ST category. An Order



No. 1(166)/CC-II/DSSSB/2009/5771-5775
dated 14.08.2019 has been issued to this effect.
(Annexure-R-1)”

4. The learned Tribunal found the above to be due compliance of the Order dated 27.03.2019 by the respondents.
5. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that a total of 75 posts were advertised for the ST category. He submits that according to the result that was declared, only 9 candidates were appointed under the ST category. He submits that, therefore, the basis on which the respondents were asserting that the last candidate appointed to the ST category was with 98 marks, and the petitioner, having secured 94 marks could not be appointed, was not explained.
6. We find merit in the above contention of the petitioner.
7. It is not denied that there were a total of 75 posts under the ST category that were advertised. However, the respondents have not explained the basis on which the cut-off marks for the ST category were stipulated as 98, when only nine candidates were appointed against these 75 posts, which led to the petitioner not being appointed to the post. The same was also not addressed in the affidavit filed before the learned Tribunal, based on which the contempt petition filed by the petitioner was closed. The learned Tribunal has also not considered the above issue in the Impugned Order.
8. We, therefore, set aside the Impugned Order and restore the contempt petition to its original number.
9. The respondents shall file an additional affidavit explaining



2025:DHC:8949-DB



how the cutoff marks of 98 was stipulated by the respondents. It shall also disclose to the learned Tribunal, whether all the posts that were advertised for the ST category had been filled in the subject selection process. Such affidavit shall be filed by the respondents before the learned Tribunal within a period of eight weeks from today.

10. The learned Tribunal shall consider the contempt petition on basis of such affidavit that would be filed by the respondents, and remaining uninfluenced by its earlier order or by the order passed by us today.

11. The parties shall appear before the learned Tribunal on 4th November, 2025 for seeking further directions.

12. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

OCTOBER 8, 2025/ns/HS