

**Delhi Subordinate Services Selection Board & Anr. Vs.reena**

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**SooperKanoon Citation :** [sooperkanoon.com/1221003](http://sooperkanoon.com/1221003)

**Court :** Delhi

**Decided On :** Jan-30-2019

**Appellant :** Delhi Subordinate Services Selection Board & Anr.

**Respondent :** Reena

**Judgement :**

§~3 to 14 \* IN THE HIGH COURT OF DELHI AT NEW DELHI Decided on:

30. h January, 2019 3 + W.P.(C) 11470/2018 & CM APPL. 44404/2018 THE CHAIRMAN DELHI SUBORDINATE SERVICES SELECTION BOARD & ANR. ....

... Petitioner

s versus JYOTI & ORS. 4 + W.P.(C) 11471/2018 & CM APPL. 44406/2018 THE CHAIRMAN DELHI SUBORDINATE SERVICES SELECTION BOARD & ANR. ....

... RESPONDENTS

PUSHPA AND ORS. 8 + W.P.(C) 11475/2018 & CM APPL. 44414/2018 THE CHAIRMAN DELHI SUBORDINATE SERVICES SELECTION BOARD & ANR. ....

... Petitioner

s KOMAL ..... Respondent versus W.P.(C) 11470/2018 & other connected matters Page 1 of 9 versus SAVITRI MEENA5+ W.P.(C) 11472/2018 & CM APPL. 44408/2018 GOVT OF NCT OF DELHI & ORS versus AMIT KUMAR & ORS6+ W.P.(C) 11473/2018 & CM APPL. 44410/2018 GOVT. OF NCT OF DELHI AND ORS. versus SOURAV SHARMA AND ORS. 7 + W.P.(C) 11474/2018 & CM

APPL. 44412/2018 DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR. versus .....

... Petitioner

s ..... Respondent .....

... Petitioner

s .....

... RESPONDENTS

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... Petitioner

s .....

... RESPONDENTS

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... Petitioner

s .....

... RESPONDENTS

9 + W.P.(C) 11476/2018 & CM APPL. 44416/2018 DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR. versus MS. MANISHA10+ W.P.(C) 11539/2018 & CM APPL. 44666/2018 DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR. versus REENA11+ W.P.(C) 11545/2018 & CM APPL. 44678/2018 DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR. versus BHARTI DEVI AND ORS. 12 + W.P.(C) 11546/2018 & CM APPL. 44680/2018 DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR. versus RAKESH AND ORS. 13 + W.P.(C) 11589/2018 & CM APPL. 44824/2018 GOVT. OF NCT OF DELHI AND ANR. versus POOJA14+ W.P.(C) 11633/2018 & CM APPL. 44930/2018 DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR. ....

... Petitioner

s ..... Respondent .....

... Petitioner  
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s ROOPAM MEHTA AND ORS. ....

... RESPONDENTS

versus W.P.(C) 11470/2018 & other connected matters Page 2 of 9 Present:  
Ms.Avnish Ahlawat, Standing Counsel GNCTD (Services) with Mr.N.K.Singh,  
Advocate for the petitioners. Ms.Aarushi, Ms.Palak Rohmetra, Advocates

... Petitioner

s. Mr.Gaurav Sarawat, Advocate W.P.(C) 11471/2018 Mr.Prashant Kumar,  
Mr.M.M.Singh & Mr.S.K.Pal, Advocates for the respondents in W.P.(C)  
11589/2018. respondents the the for for in CORAM: HONBLE MR. JUSTICE  
VIPIN SANGHI HONBLE MR. JUSTICE PRATEEK JALAN PRATEEK JALAN, J.

(ORAL) % W.P.(C) 11470/2018, W.P.(C) 11471/2018, W.P.(C) 11472/2018,  
W.P.(C) 11473/2018, W.P.(C) 11474/2018, W.P.(C) 11475/2018, W.P.(C)  
11476/2018, W.P.(C) 11539/2018, W.P.(C) 11545/2018, W.P.(C) 11589/2018,  
W.P.(C) 11633/2018 1. These eleven petitions concern the same examination

conducted by the petitioner Delhi Subordinate Services Selection Board ("the Board"), hence were heard together and are disposed of by this common order.

2. Service of these petitions had been directed on the respondents as well as through their respective counsels by order dated 25.10.2018, and it is recorded in the subsequent order of 13.02.2018, that service is treated as complete. Although counsel have in fact entered appearance in several of the cases, at the time of the hearing, only one of the respondents [Savitri Meena, Respondent in W.P. (C) No.11471/2018]. was represented. By consent of the learned counsel present, the matter is taken up for final hearing today. W.P.(C) 11470/2018 & other connected matters Page 3 of 9 3. These petitions concern an examination held by the Board pursuant to an advertisement dated 30.08.2018 for the post of Teacher (Primary) under post code

and 01/18. The advertisement dated 30.08.2018 contemplated the examination being held in four batches, on 30.09.2018, 13.10.2018, 14.10.2018 and 28.10.2018 respectively. The common thread which runs through these cases is that the candidates in question did not appear for the examination in the batch allotted citing difficulties in downloading the e-admit cards, and approached the Central Administrative Tribunal [hereafter referred to as the "Tribunal"]. for permission to appear in subsequent batches. The Tribunal granted such permission, albeit provisionally, by various interim orders. The Board assails those orders by means of the present writ petitions. Recording the submissions made on behalf of the Board, this Court had stayed the impugned order vide order dated 25.10.2018 on the condition that in case the Board fails in the writ petitions, it shall hold a separate special examination for the concerned candidates.

4. As the case turns entirely on the contents of the advertisement dated 30.08.2018, it is reproduced in full, hereinbelow: GOVT. OF NCT OF DELHI Delhi Subordinate Services Selection Board FC-18, Institutional Area, Karkardooma, Delhi -110092. No.F.55(1396)/DSSSB/Exam/2018/414 [www.dsssb.delhigovt.nic.in](http://www.dsssb.delhigovt.nic.in) Dated:

30.

NOTIFICATION FOR EXAMINATION FOR POST CODE118 INCLUDING THE

CANDIDATES FOR THE POSTCODE1617 IN OFFLINE MODE ON DATED309.2018, 13.10.2018, 14.10.2018 & 28.10.2018 The DSSSB will hold the examination for the candidates of the post of

including the W.P.(C) 11470/2018 & other connected matters Page 4 of 9 candidates for the Post Code

in OFFLINE Mode i.e OMR based test as per the examination schedule will be held in four Batches given here under: EXAMINATION SCHEDULE Batch No.Date & Day of Examination Time of Exam Advt. No.Post Code Name of the Post I II III IV3009.2018 (Sunday) 13.10.2018 (Saturday) 14.10.2018 (Sunday) 28.10.2018 (Sunday) 10.30 AM118 to 12.30 PM1030 AM118 to 12.30 PM1030 AM118 to 12.30 PM1030 AM118 to 12.30 PM0118 including

including

including

including

Teacher (Primary) Teacher (Primary) Teacher (Primary) Teacher (Primary) Name of the Organisation/ Department to which the post belongs to Delhi Municipal Corporations Delhi Municipal Corporations Delhi Municipal Corporations Delhi Municipal Corporations The declaration of the result of all the four batches of candidates appearing on the above mentioned dates would be on the basis of the Normalization Formula already approved by the Board and published vide notice No.10(271)/Sec.Cell/DSSSB/18/989 dated 11/07/2018 on the DSSSB web-site. Note: The candidates of Batch-I whose exams are scheduled on 30.09.2018 for the above said post code may download their e-admit cards from the website of the Board i.e. dsssbonline.nic.in between 20/09/2018 (10 a.m.) to 26.09.2018 (11.59 p.m.) The candidates Batch-II whose exams are scheduled on 13.10.2018 for the above said post code may download their e-admit cards from the website of the Board i.e. dsssbonline.nic.in between 03/10/2018 (10 a.m.) to 09.10.2018 (11.59 p.m.). The candidates Batch-III whose exams are scheduled on 14.10.2018 for the above said post code may download their e-admit cards from the website of the Board i.e. dsssbonline.nic.in between 04/10/2018 (10 a.m.) to 10.10.2018

(11.59 p.m). W.P.(C) 11470/2018 & other connected matters Page 5 of 9 The candidates Batch-IV whose exams are scheduled on 28.10.2018 for the above said post code may download their e-admit cards from the website of the Board i.e. dsssbonline.nic.in between 18/10/2018 (10 a.m.) to 24.10.2018 (11.59 p.m). Candidates are advised to update their e-mail address/mobile number for any future communication. Detailed instruction to download e-admit cards have been given on the official website of the Board. In case any candidate finds any difficulty in downloading the e-admit card, he/she may contact the Board office only through e-mail dsssbssecy@nic.in till the last date of issue of their respective e-admit cards i.e. upto 26.09.2018 (3.00PM), 09.10.2018 (3.00PM), 10.10.2018 (3.00PM), and 24.10.2018 (3.00PM). No request will be entertained by any other source of correspondence in this regard. No request for issue of e-admit cards shall be entertained after the expiry of issue of e-admit cards. No individual intimation for any further activity/process will be sent to the candidates and they are advised to visit website of the Board regularly for any further information. Detailed Instructions, Guidelines, Prohibited Items and Dress Code etc. relating to aforesaid post codes are available on the website of the Board: [www.dsssbdelhigovt.nic.in](http://www.dsssbdelhigovt.nic.in). Deputy Secretary of Exam: DSSSB 5. The following significant features of the examination process are evident from the said advertisement: a) Each candidate was to appear in a particular batch of the examination. b) The candidates of each batch were notified of the period during which they would be able to download their e-admit cards from the Board's website. c) The candidates were advised to update their e-mail address / mobile number for future communication. d) It was specifically provided that in case of any difficulty in downloading the e-admit card, the candidate may contact the Board W.P.(C) 11470/2018 & other connected matters Page 6 of 9 only through the specified e-mail address. Such communication was to be made by 3:00 PM on the last date designated for issuance of the e-admit card for the batch in question. e) It was also provided that no request in any other form would be entertained, and that none would be entertained after the expiry of the time specified issue of e-admit cards. f) The candidates were warned that no individual intimation for any further activity/process would be sent and were advised to regularly visit the Board's website for further information.

6. Although there is some factual variation in the cases before us, the facts of W.P.(C) 11470/2018 are illustrative. The nine respondents therein [applicants before the Tribunal]. all approached the Tribunal stating that they had completed the application procedure by 26.09.2018 but had not been issued admit cards for the examination held on 30.09.2018. They stated that they had tried to download the admit cards between 24.09.2018 and 29.09.2018 but were not able to do so on account of technical problems with the website and internet, and had made enquiries at the Board's office between 01.10.2018 & 05.10.2018. They claimed to have become aware that the examination will also be held on 13.10.2018, 14.10.2018 and 28.10.2018 and sought interim relief of permission to participate in the exams on the said dates. As aforesaid, the Tribunal by its interim order dated 10.10.2018 provisionally permitted their participation in the examination, which has led to the filing of the writ petition by the Board.

7. Although, in some of the other cases, representations were allegedly made by the candidates [including a few by e-mail]., it is undisputed that W.P.(C) 11470/2018 & other connected matters Page 7 of 9 none of the candidates complied with the requirement of raising their grievance by e-mail within the time specified.

8. Ms.Avnish Ahlawat, learned counsel appearing for the Board, pointed out the instructions with regard to the mode of communication and the time by which the grievance was required to be raised by the candidate. Although candidates were advised that no individual intimation of any activity or process would be sent, and that they were required to visit the Board's website for information, she stated that the Board had in fact kept the candidates informed by text messages (SMS) on their mobile numbers.

9. Having heard learned counsel for the parties, we are of the view that the Tribunal's directions were entirely unjustified. The instructions given by the Board were clear and unambiguous, both as to the mode of raising a grievance about the inability to download the e-admit card, and the time within which such grievance must be raised. There was no material before the Tribunal to indicate that the applicants before it had ventilated their grievance in accordance with those

instructions. The sketchy representations, many of them identical in content and format, with only names and roll numbers filled in by hand, were neither compliant with the requirement that the representations be made by e-mail nor were they sent within the time in question. Even those who did e-mail their grievance, did not do so within the designated time. The candidates had been forewarned that any difficulty in downloading the e-admit card must be raised in the manner provided and none other. The Boards instructions did not admit of any other interpretation; they were unequivocal in this respect, which prospective teachers ought to have been able to comprehend and follow. W.P.(C) 11470/2018 & other connected matters Page 8 of 9 10. Further, the Tribunal disregarded that its interim order enabling candidates to appear at a subsequent sitting of the examination also posed an unreasonable logistical burden upon the Board. The examination in question attracted a very large number of candidates (approximately 1.38 lakhs) and the exercise of examining them was required to be conducted in a well regulated and disciplined manner. The impugned orders of the Tribunal, in some cases ex-parte, neither took these considerations into account, nor were they cognizant of the principles governing grant of interim orders, inasmuch as, they were both mandatory in nature, and virtually granted final relief to the respondents at an interim stage.

11. In view of the above, the abovementioned writ petitions are allowed and the impugned orders of the Tribunal are set aside.

12. No orders as to costs. W.P.(C) 11546/2018 Although this petition is also in respect of the same examination as the eleven cases dealt with above, the issues raised therein are of a different nature. It would, therefore, be appropriate if this writ petition is heard separately. List on 15th February, 2019, for directions.  
PRATEEK JALAN, J.

**VIPIN SANGHI, J.**

JANUARY30 2019 hkaur W.P.(C) 11470/2018 & other connected matters Page 9 of 9

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