



2025:DHC:366-DB



\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1417/2020

SANDEEP SIROHIPetitioner
Through: Mr. S.N. Sharma, Adv.

versus

GNCTD AND ORS.Respondents
Through: Mrs. Avnish Ahlawat, SC
GNCTD with Mr. Nitesh Kumar Singh,
Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)
20.01.2025

%

C. HARI SHANKAR, J.

1. The petitioner, in response to Advertisement No. 01/14 issued by the Delhi Subordinate Services Selection Board¹, applied for appointment as Trained Graduate Teacher² (Computer Science) as a candidate belonging to the Other Backward Classes³. He secured 97.25 marks. He was shortlisted under the OBC category. He was asked to upload his e-dossier. He did so. At this stage, the candidature of the petitioner along with the candidature of several other candidates

¹ "DSSSB" hereinafter

² "TGT" hereinafter



2025:DHC:366-DB



was rejected by an omnibus rejection notice dated 10 November 2017. Aggrieved thereby, the petitioner approached the Central Administrative Tribunal⁴ which, by order dated 20 December 2017, permitted the petitioner to make one more representation to the respondent with a direction to the respondent to pass a reasoned order thereon. The respondent proceeded to pass a detailed order on 12 April 2018, the relevant paragraphs of which may be reproduced thus:

“6. As per the policy of Government of Delhi, the following two types of certificate are considered as valid certificates for grant of benefit of reservation to OBCs in civil posts under Govt. of NCT of Delhi.

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

2. 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 of Delhi to any family member of the concerned person who had been residing in Delhi before 08.09.1993.

7. As per the reservation policy for OBCs in Delhi, the OBC persons on migration from the State of his /her origin in another State/UT are issued OBC certificates to avoid inconvenience to the candidates for claiming the OBC benefits from the State of his/her origin and not in Delhi. As such, the candidates can seek benefit of his /her OBC certificate issued to him/her in Delhi in his / her State of origin and not in the state of Delhi.

8. Since the OBC (Certificate) issued to sh. Sandeep Sirohi was issued on the basis of OBC certificate issued to his father, Sh. Neer Pal, who is a permanent resident of Vill Bhiravati, Tehsil, Syana, UP and not fulfilling the eligibility conditions for grant of

³ “OBC” hereinafter

⁴ “the Tribunal” hereinafter



2025:DHC:366-DB



OBC (Delhi) benefits as per the instructions contained in Services Department, Branch-IV, Govt. of National Capital Territory of Delhi circular No.F.19(01)/2012/S.IV/1241-1258 dated 28/07/2016, his candidature was considered under UR category. The last selected candidate under UR category scored 98.50% marks whereas the applicant scored 97.25 marks and, therefore, his selection under UR category could not be considered.

9. The applicant aggrieved at the rejection of his candidature filed an Original Application in the Hon'ble CAT vide OA No.4075/2017 praying therein that the respondents be directed to consider his candidature in view of the fresh OBC certificate issued by Executive Magistrate, Saraswati Vihar dated 23.10.2017.

10. The father of the applicant is not a permanent resident of Delhi and might have migrated to Delhi at a much later date than the cut off date 08.09.1993, prescribed by the Delhi Government for extending OBC (Delhi) benefits. The applicant as an afterthought obtained the OBC (Delhi) certificate and that too after the declaration of result by misrepresenting the facts before the Certificate Issuing Authority.

11. The Hon'ble CAT vide interim order dated. 20.12.2017, has directed the respondents as-under:

"It is directed that the appointment / selection of the last selectee in OBC category shall be provisional in nature and subject to the rights of the applicant in the present OA. The last selectee shall be communicated about this order of the Tribunal. The applicant is also directed to make a representation within two weeks, along with the OBC certificate to the respondents for their consideration. The same shall be considered and decided by the Competent Authority within four weeks thereafter."

12. The Board considered the representation of the applicant dated 02/01/18 and it is found that he has not brought any new facts in his representation except stating that he has scored much higher marks than the last candidate nominated in OBC category and, therefore, requested to consider him under OBC category as per the directions of Hon'ble CAT interim order dated 20.12.2017.

13. Keeping in view the facts explained above, the Board has rightly denied the benefit of reservation to the candidate under



2025:DHC:366-DB



OBC category on account of failure on his part to submit OBC (Delhi) certificate. As no new facts have been brought by the candidate before the Board vide the said representation, there is no need for review of the decision already taken regarding rejection of his candidature.”

2. Aggrieved by the aforesaid decision, the petitioner re-approached the Tribunal by way of OA 4075/2017, which stands dismissed by the Tribunal by judgment dated 28 August 2019. The petitioner filed RA 189/2019 for review of the said order, which was dismissed by the Tribunal in circulation on 22 October 2019. Aggrieved by the aforesaid decisions, the petitioner has approached this Court under Article 226 of the Constitution of India.

3. We have heard Mr. S.N. Sharma, learned Counsel for the petitioner and Mr. N.K. Singh, learned Counsel for the respondent at considerable length. We have also perused the material on record.

4. The terms and conditions contained in the notice dated 27 July 2017, in pursuance to which the petitioner applied, insofar as it dealt with the aspect of OBC reservation, provided thus:

“Sub: Reservation for OBCs in the jobs under the Government of NCT of Delhi-reg.

Sir/Madam,

In continuation with this department’s circular dated 27.07.2007 on the subject cited above (copy enclosed) I am directed to inform that Govt. of NCT of Delhi has decided to accept the following two types of certificates as valid certificates



2025:DHC:366-DB



for grant of benefit of reservation to OBCs in civil posts under Govt. of NCT of Delhi:

1. OBC certificate (Delhi) issued by the Revenue Department of GNCT of Delhi, on the basis of any old certificate Issued by member of Individual's family from GNCT of Delhi.

2. 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 mandatorily been issued on certificate issued by Govt. of NCT of Delhi to any family member of the concerned person who had been residing in Delhi before 08.09.1993.

This issues with the approval of the Competent Authority.”

5. The same terms stand reiterated in the speaking order dated 12 April 2018 passed by the respondent.

6. The petitioner, clearly, is not covered by condition (2) of the aforesaid conditions. Nor is the petitioner seeking the benefit thereof.

7. It is the contention of Mr. Sharma that the petitioner is entitled to be treated as an OBC (insider) candidate as he satisfies condition (1) of the two conditions mentioned in the notice dated 27 July 2017. As against this, Mr. Singh, learned Counsel for the respondent, submits that the petitioner does not satisfy the said condition and was, therefore, rightly treated as an OBC (outsider) candidate.

8. The issue, therefore, percolates down to whether the petitioner does, or does not, satisfy condition (1) aforesaid.



2025:DHC:366-DB



9. According to condition (1), in order to be treated as an insider OBC candidate for employment in the GNCTD, the candidate was required to possess an “OBC certificate (Delhi) issued by the Revenue Department of GNCTD of Delhi, on the basis of any old certificate issued to any member of individual’s family from GNCTD of Delhi”.

Pared down to its essentials, the ingredients of this clause are that:

- (i) the certificate produced by the candidate must be an OBC certificate issued by the Revenue Department of the GNCTD of Delhi,
- (ii) the certificate must be based on an old certificate issued to a member of the individual’s family, and
- (iii) the certificate issued to the member of the individual’s family must also be issued by the GNCTD.

10. We may now reproduce the OBC certificate of the petitioner dated 9 September 2009:

“Office of the Deputy Commissioner (North West District), Delhi.

No. OBC/06/63/13878/14/7/2009/9531003127/78960
9/9/2009

Dated

This is certified that Sh/Smt./Ku : SANDEEP SIROHI
S/o, W/o, D/o : NEER PAL SINGH
Resident of : B-5/392, Sector-3, Rohini, Delhi.

Belongs to the community JAT which is recognized as a Other Backward Class (OBC) under :

1. Resolution No.12011/68/93-BCC(C) dated the 10/09/1993, published in the Gazette of India Extraordinary Part 1, Section I.



2025:DHC:366-DB



No.186, dated 13/09/1993.

2. Resolution No.12011/9/91-BCC (C) dated the 19/10/1991, published in the Gazette of India, Extraordinary Part I, Section I. No. 88, Dated 20.10.1995.

3. Resolution No.12011/7/95-BCC(C) dated 24/5/1995, published in the Gazette of India Extraordinary Part I, Section I No.88 dated 25/5/1995.

4. Resolution No.12011/44/96-BCC dated the 6/12/1996, published in the Gazette of India Extraordinary Part 1, Section 1. No.210 dated 11/12/1996.

5. Notification No. F(8)/11/99-2000/DS/CST/SCP/OBC/2855 Dated 31/5/2000.

6. No. F8(6)/2000-01/DSCST/SC/OBC/11677 dated 5/2/2004.

This Certificate is issued on the basis of OBC Certificate issued to Shri / Smt. / Kumar NEER PAL Father of Sh/Smt./Kumari Sandeep SIROHI resident of VILL. BHIRAVATI, TEHSIL SYANA, U.P. who belongs to JAT caste which is recognized as Other Backward Class in the State/UT, U.P. issued by the EXECUTIVE MAGISTRATE (SV) vide their No.45494/5573 dated 20/9/6.

It is also certified that he / she does not belong to the persons/sections(Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel and Training O.M. No.36012/22/93-Estt. (SCT) dated 8/9/1993.

Dated 9/9/2009

(RANJEET SINGH)
SDM, SARASWATI VIHAR”

(Emphasis supplied)

11. Clearly, on the face of it, the three ingredients of condition (1) in the notice dated 27 July 2017, for the petitioner to have been regarded as an OBC insider candidate eligible for appointment in the GNCTD, stand satisfied in the certificate dated 9 September 2009



2025:DHC:366-DB



issued to the petitioner, inasmuch as:

- (i) the certificate has been issued by the Revenue Department of the GNCTD of Delhi,
- (ii) it is based on an earlier OBC certificate issued to the petitioner's father Neer Pal Singh, and
- (iii) the certificate issued to Neer Pal Singh has also been issued by the Revenue Officer in Saraswati Vihar, GNCTD.

12. Though, the petitioner would, therefore, be *ipso facto* and *ipso jure* entitled to be treated as an OBC candidate in Delhi, Mr. N.K. Singh, learned Counsel for the respondent, sought to submit that the certificate would also necessarily have to indicate that the community to which the petitioner or his father belongs was an OBC community in Delhi.

13. Though the condition in the advertisement does not so stipulate, the argument is reasonable and we have, therefore, addressed ourselves to it. We, therefore, also perused the OBC certificate issued to the petitioner's father, which reads thus:

“No.OBC/06/63/3437/7/8/2006/45494/5573 dated 20/9/2006

This is to certify that Sh/Smt./Ku : NEER PAL SINGH
S/o, W/o, D/o : BALBIR SINGH
Resident of : B-5/392, SECTOR-3, ROHINI, DELHI.

Belongs to the community JAT which is recognized as a backward class under the Govt. of NCT of Delhi notified vide Notification No.F.28(93)/91-92/SC/ST/P&S/4384 dated 20/1/95 published in



2025:DHC:366-DB



the Gazette of Delhi Extraordinary Part-IV dated 20/1/95 and / or his family ordinary reside(s) at B-5/392, SECTOR-3, ROHINI, DELHI, Union Territory of Delhi.

This is also to certify that he / she does not belong to the persons/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel and Training O.M. NO.36012/22/93-Estt. (SCT) dated 8/9/1993.

Dated : 20/9/2006

(SUKHBIR SINGH)
Executive Magistrate, SARASWATI VIHAR”

(Emphasis supplied)

14. Thus, the OBC certificate dated 20 September 2006, issued to the petitioner’s father Neer Pal Singh, besides being issued by the Revenue Authorities in Saraswati Vihar, within the GNCTD, specifically certifies that the petitioner’s father belongs to the JAT Community, which is recognised as a backward class in Delhi, notified by the GNCTD on 20 January 1995.

15. As such, even the requirement of the community to which the petitioner and his father belong being notified as an OBC within the GNCTD – though not contained in the advertisement pursuant to which the petitioner applied – stands satisfied.

16. In that view of the matter, the impugned judgment of the Tribunal, which has non-suited the petitioner on the ground that he does not possess the requisite OBC certificate, cannot sustain.



2025:DHC:366-DB



17. Resultantly, the impugned orders dated 28 August 2019 and 22 October 2019 passed by the Tribunal are quashed and set aside.

18. The petitioner would be entitled to be treated as an OBC (insider) candidate with respect to his candidature under Advertisement No. 01/14 issued by the DSSSB for the post of TGT (Computer Science) bearing post code 192/2014.

19. Accordingly, if the petitioner satisfies all other requirements, prayer (b) in the OA filed by the petitioner, whereunder the petitioner has sought appointment as TGT (Computer Science), consequent to his participation in the selection, would stand allowed.

20. The writ petition stands allowed in the aforesaid terms, with no orders as to costs.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JANUARY 20, 2025/AS

Click here to check corrigendum, if any