



2026:DHC:7544-DB



\$~74, 82 to 84, 86 & 87

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

CNR No. DLHC012253832017

+ W.P.(C) 3841/2017, CM APPL. 16860/2017, CM APPL. 40336/2018 & CM APPL. 35620/2019

DELHI SUBORDINATE SERVICE

SELECTION BOARD (DSSSB)

.....Petitioner

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Adv.

versus

SUNITA AND ORS.

.....Respondents

Through: Mr. Tarun Gupta and Mr.
Hirday Viridi, Adv.

82

CNR No. DLHC010450012025

+ W.P.(C) 10124/2025 & CM APPL. 42148/2025

GOVT OF NCT OF DELHI AND ORS

.....Petitioners

Through: Mrs. Avnish Ahlawat, SC
GNCTD Services and Mr Nitesh Kumar
Singh, Adv.

versus

SUMAN

.....Respondent

Through: Mr. M.K. Bhardwaj, Adv

83

CNR No. DLHC010279232025

+ W.P.(C) 6026/2025 & CM APPL. 27567/2025

GOVT OF NCT OF DELHI AND ORS

.....Petitioners

Through: Mrs. Avnish Ahlawat, SC
GNCTD Services and Mr Nitesh Kumar
Singh, Adv.



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versus

ANJU

.....Respondent

Through: Mr. Anuj Aggarwal, Adv

84

CNR No. DLHC010296822025

+ W.P.(C) 6419/2025, CM APPL 29242/2025

GOVT OF NCT OF DELHI AND ORS

....Petitioners

Through: Mrs. Avnish Ahlawat, SC
GNCTD Services and Mr Nitesh Kumar
Singh, Adv.

versus

RAM TIRATH

.....Respondent

Through: Mr. R.K. Shukla, Adv

86

CNR No. DLHC010300482025

+ W.P.(C) 6450/2025 & CM APPL. 29373/2025

DELHI SUBORDINATE SERVICES

SELECTION BOARD AND ANR

....Petitioners

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Adv.

versus

LAL CHAND

.....Respondent

Through: Mr. Anuj Aggarwal, Mr. Nikhil
Pawar, Mr. Shubham Bahl, Ms. Kritika
Matta, Ms. Tanya Rose, Ms. Bhumica
Kundra, Mr. Pradeep Kumar, Mr. Lovekesh,
Ms. Anjali Bansal, Mr. Manas Verma and
Mr. Shakib Malik, Advs.

87

CNR No. DLHC010303082025

+ W.P.(C) 6589/2025 & CM APPL. 29833/2025



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GOVT OF NCT OF DELHI AND ORS

.....Petitioners

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Adv.

versus

KANHAIYA KUMAR

.....Respondent

Through: Mr. R.K. Shukla, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

%

02.09.2026

C. HARI SHANKAR, J.

W.P.(C) 3841/2017 [DSSSB v. Sunita & Ors]

1. The *lis* in this writ petition survives only *qua* Respondent 2 Neerja, as the remaining respondents in this petition have been given appointment by the petitioner. Respondent 2 is represented by Mr. Tarun Gupta. For ease of reference, Respondent 2 would be referred to as the respondent, hereinafter.

2. This writ petition is directed against order dated 28 April 2017 passed by the Central Administrative Tribunal¹ in OA/100/4520/2014.

3. We have heard Mrs. Avnish Ahlawat and Mr. Nitesh Kumar Singh, learned Counsel for the petitioner and Mr. Tarun Gupta, learned Counsel for the respondent.



4. The dispute relates to the entitlement of the respondent for being considered as a candidate belonging to the Other Backward Classes² for the purposes of recruitment as TGT (English), in the schools under the GNCTD.

5. The issue in controversy is short and we would not be required to delve deep into the facts. Suffice it to state that the provision for reservation for OBC certificate as contained in the Advertisement No. 01/13, issued by the Delhi Subordinate Service Selection Board³ pursuant to which the respondent applied, read thus:

“6. RESERVATION BENEFITS

(i) *Reservation benefits will be available to the SC/ST/OBC/Physically Handicapped & other special category candidates in accordance with the instructions/orders / circulars issued from time to time by the Govt. of Delhi.* The reservation benefits under SC/STS shall be admissible as per judgment dated 12/09/2012 of Hon'ble High Court of Delhi as passed in No. 5390/2010, CM No. 20815/2010 **Deepak Kumar and Ors Vs District and Sessions Judge, Delhi and Ors.** as per which SC/ST candidates of other States /U.Ts. shall also be eligible for reservation benefit. However this shall be further subject to policy decision of Govt. of Delhi for SC/ST migrants of other States.

(ii) Candidates who wish to be considered against reserved vacancies and /or to seek age relaxation, must be in possession of relevant certificates Issued to them on or before the closing date by the competent/notified authority (In prescribed format) otherwise their claim for SC/ST/OBC/Physically Handicapped/Ex-Servicemen & other special category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise.

¹ “Tribunal” hereinafter

² “OBC” hereinafter

³ “DSSSB” hereinafter



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(iii) *The OBC candidates must be in possession of filled prescribed Annexure 1, along with his/her caste certificate issued by Govt. of Delhi only.”*

6. Clearly, therefore, what the clause required was that the candidate in question had to be in possession of a caste certificate issued by the GNCTD. The entitlement to reservation would, however, be subject to orders, notifications or circulars issued by the GNCTD.

7. The two issues which arise for consideration are, therefore, firstly, whether the OBC certificate of the respondent was in accordance with Clause 6(iii) of the Advertisement, and, secondly, whether, if it is, the respondent would be disentitled to be considered as an OBC candidate by virtue of any order, notification, or circular issued by the GNCTD.

8. We address these issues, therefore, *seriatim*.

9. Re. Clause 6(iii)

9.1 We may take judicial notice of the fact that, in other matters which have come before us where similar disputes had arisen, the advertisement specifically stipulated that the OBC certificate had to be issued *on the basis of a caste certificate issued to a close relative by the Revenue Authorities in Delhi*. In the present case, however, there is no such stipulation. All that is required is that the OBC certificate had to be issued by the Revenue Authorities in the GNCTD. The *basis* of its issuance is irrelevant.



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9.2 The cut-off date for producing the OBC certificate, as per the advertisement, was 20 March 2013.

9.3 At the time of applying for the post, the respondent had produced an OBC certificate dated 27 September 2009, which reads thus:

“This is to certify that Sh/Smt/Ku: NEERJA
S/o,W/o,D/o: SHYAM SINGH
Resident of: A 15 RAGHUBIR ENCLAVE NEAR DICHAON
STAND NAJAFGARH N.DELHI

Belongs to the community JANGARA BRAHMIN *Which is recognised as a backward class under the Govt. of N.C.T. of Delhi notified vide Notification No F.28(93)/91-92/SC/ST/P&S/4384 dated 20/1/95 published in the Gazette of Delhi Extraordinary Part-V dated 20/1/95* and/or his family ordinary reside(s) at A 15 RAGHUBIR ENCLAVE NEAR DICHAON STAND NAJAFGARH N.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: 27/9/2009

Sd/-
(Manjeet Singh)
Executive Magistrate, Najafgarh

(Anil Bhola)
Tehsildar, Najafgarh
Govt. of NCT of Delhi”

9.4 As the petitioner was not allowing the respondent to appear in the examination, the respondent, along with several other candidates, approached the Tribunal by way of OA 4520/2014.



9.5 The Tribunal disposed of the said OA by judgment dated 15 February 2016. We may note that, though, in para 4 of the said judgment, it has been noted that the respondent's candidature was rejected as she did not have the requisite qualification as on 20 March 2013, which was the closing date stipulated in the advertisement, the Tribunal has, in para 10, of its judgment, observed as under:

“10. Heard the learned counsel for both sides and carefully perused the copy of the OMR sheets of the applicants and also the copies of the certificates filed by the applicants along with their OA. It reveals that though the applicants are possessing the essential qualifications as required under the Advertisement, as on the closing date of receipt of the application, but in view of either not bubbling the relevant Columns or in misunderstanding the instructions of the advertisement, the respondents rejected their candidature.”

9.6 Following this, the Tribunal held that mere errors in filling up the OMR sheets could not constitute a legitimate basis to reject the candidature of the respondent and, therefore, disposed of the OA in the following terms:

“13. In view of the above legal position and in view of the fact that the applicants were already permitted to take the examination provisionally by virtue of the interim orders dated 22.12.2014 and their results are yet to be declared by the respondents, we are of the considered view that the ends of justice would be met if the respondents are directed to declare 15 the results of the applicants and to consider their cases along with others as per their merit, after verifying their qualifications or otherwise satisfying themselves with their suitability, in accordance with law, within four weeks from the date of receipt of a copy of this order. The OA and MA No.217/2016 are disposed of, accordingly. No costs.”

9.7 As there was no compliance with the order passed by the Tribunal, the respondent re-approached the Tribunal by way of CP/100/216/2016 for initiation of contempt proceedings against the



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petitioner.

9.8 During the pendency of the contempt petition, the Revenue Authorities in the GNCTD cancelled the OBC certificate dated 27 September 2009 on 9 March 2017.

9.9 Following the cancellation of the OBC certificate by the Revenue Authorities in the GNCTD, the DSSSB issued the following notice dated 15 March 2017:

“No.F.29(TGT)/Eng./Female/DSSSB/2016/76 Dated: 15/03/2017

NOTICE

1. This notice is being issued in continuation of earlier notice No.117 dated 07.02.2017 and in compliance of the order of the Ld. Central Administrative Tribunal. dated 17.03.2017 in the matter of OA No.4520/2014, CP No.216/2016 titled as Ms.Suita Vs. K.K. Sharma & Anr.
2. The Competent Authority of the Revenue Department vide their order No.F.08/SDM/NJF/2016/3719/4410-4415 dated 09.03.2017 has finally cancelled the OBC certificate issued to Ms. Neerja, D/o Sh. Shyam Singh, a candidate for the post of TGT (English) Female under Post Code 107/12 and 05/13.
3. In view of the final order of the cancellation of OBC certificate issued by SDM(Najafgarh), as referred to above, the said candidate, Ms. Neerja doesn't have any claim for consideration of her candidature for the said post under OBC category.
4. Hence the decision of the DSSSB already conveyed through Notice No.117 date 07.02.2017 regarding non-consideration of her candidature for the post of TGT (English) Female (Post Code No.107/12 and 05/13) is, therefore, reiterated.

Sd/-
Dy. Secretary, DSSSB”

Mr. Tarun Gupta has correctly pointed out that the aforesaid notice



does not cancel the respondent's candidature but merely states that she had no claim to consideration as an OBC candidate in view of cancellation of her OBC certificate dated 27 September 2009 by the Revenue Authorities in the GNCTD on 9 March 2017.

9.10 In CP/100/216/2016, the Tribunal passed the following order on 28 April 2017:

“This Tribunal after hearing both sides. on 26.04.2017, passed the following orders:-

“Heard both sides.

2. OA No.4520/2014 was disposed of by this Tribunal on 15.02.2016, and the relevant paragraphs of the said order read, as under:

3. The applicants, whose candidatures were rejected by the Respondent-DSSSB, Govt. of NCT of Delhi, for selection to TGT (Hindi) Female, advertised vide Advertisement No.01/2013, filed the present OA questioning the said rejection.

It is well settled that applications or candidatures or selections normally shall not be rejected by the authorities, basing on the minor mistakes committed by the youngsters in filing up the application forms or in the examinations, if otherwise, they establish their identity and that they are qualified and eligible for consideration of their cases by furnishing the documents in proof of the same.

In view of the above legal position and in view of the fact that the applicants were already permitted to take the examination provisionally by virtue of the interim orders dated 22.12.2014 and their results are yet to be declared by the respondents, we are of the considered view that the ends of justice would be met if the respondents are directed to declare



O.A.No.4520/2014 9 the results of the applicants and to consider their cases along with others as per their merit, after verifying their qualifications or otherwise satisfying themselves with their suitability, in accordance with law, within four weeks from the date of receipt of a copy of this order. The OA and MA No.217/2016 are disposed of, accordingly. No costs.”

3. Alleging non-implementation of the aforesaid orders of this Tribunal, the applicants in the OA, filed the present CP No.216/2016. After the CP is filed, since the respondents complied with the orders of this Tribunal, in respect of all the Petitioners, except Petitioner No.2, the CP is continued by the Petitioner No.2 (i.e., Ms. Neerja).

4. The respondents, initially taken time by submitting that they are going to comply the orders of this Tribunal in respect of the remaining petitioner, i.e., Petitioner No.2(Ms. Neerja) also. Considering their requests from time to time, time was granted by this Tribunal and also the order for personal appearance of the 2nd Respondent was also dispensed with.

5. Shri K.M.Singh, the learned counsel appearing for both the Contemnors, Le., GNCTD (User Department) and the DSSSB (the recruiting agency), while submitting that the results of all the candidates, including Ms. Neerja, were declared and Ms. Neerja secured more marks than the cut off marks in her respective post code and has been called for verification of documents on various dates, would contend that since the Sub Divisional Magistrate, Nazafgarh, cancelled the OBC certificate of Ms. Neerja vide Order dated 09.03.2017, Ms. Neerja does not have any claim for consideration of her candidature for the post of PGT (English)-Female (Post Code 107/12 and 5 of 13] under OBC Category nor she is further qualifying for selection to the post under UR category.

6. The OA No.4520/2014 was disposed of on 15.02.2016. The eligibility or otherwise of the petitioner, Ms. Neerja is to be considered as on the relevant date mentioned in the Notification. Hence, the action of the 2nd Respondent-Contemnor in not complying the orders of this Tribunal, taking into account a subsequent event, is in clear violation of the orders of this Tribunal.

7. Hence, in the circumstances, list the CP on



28.04.2017 and the 2nd Respondent-Contemnor, i.e., Dr. A.C. Verma, Chairman, DSSSB, shall be present in person. Copy of this order be issued DASTI to both the learned counsel."

2. Today, in spite of the aforesaid orders the second respondent is not present before this Tribunal.

3. However, learned counsel for the respondents submits that since there was an important meeting to be attended by the second respondent at 11 a.m. in the morning, he filed M.A No. 1555/2017 seeking exemption from personal appearance. In fact, this C.P. is called at 2.40 in the afternoon. Mr. Ashish Mohan, Joint Secretary is present in the Court. Admittedly, the meeting called was required to be attended by the second respondent at 11 a.m. in the morning and the C.P is passed over from 2.40 p.m. to 4 p.m. to enable the second respondent to be present before this Tribunal. However, even at 4.15 he is not present before this Tribunal.

Sh. Ashish Mohan who is present in the Court both at 2.40 and 4.15 (afternoon) submits that the P.A of the second respondent stated that the whereabouts of the 2nd respondent (Dr. A. C. Verma, Chairman DSSSB) are not known in the office and that he is not picking his mobile phone.

In the circumstances, issue bailable warrant to the second respondent for his production before this Tribunal on Tuesday i.e., 02.05.2017 with a personal surety of Rs.25,000/-.

Order Dasti."

9.11 Assailing the cancellation of her OBC certificate by the Revenue Authorities in the GNCTD on 9 March 2017, the respondent approached this Court by way of WP (C) 3541/2017⁴. By order dated 26 July 2018, a learned Single Judge of this Court disposed of the said writ petition in the following terms:

"1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 09.03.2017 issued by respondent no.1 (SDM, Najafgarh). By the impugned order, respondent no.1 has cancelled the OBC Certificate (OBC Certificate

⁴ Neerja v. SDM, Najafgarh & Ors.



No.OBC/09/93/12497/17/9/2009/72813 dated 27.09.2009) issued in respect of the petitioner. The said order has been passed on the basis that it was issued in violation of the guidelines issued by the Government of NCT of Delhi as it was without any documentary proof that the petitioner was resident in Delhi prior to 1993. The impugned order also records that the petitioner is “ineligible for Delhi OBC Certificate.”

2. It is stated that the petitioner had applied for an OBC Certificate and did not make any specific request that Delhi OBC Certificate be issued.

3. The learned counsel appearing for the respondent has referred to an Office Order dated 07.03.2017, which sets out the eligibility condition for issuance of an OBC certificate. He referred to part-II of paragraph 2 of the said Order, which expressly provides for eligibility for an OBC Certificate in case the applicant belongs to a state other than Delhi. He submits that since the petitioner was not a resident in Delhi prior to 1993 she would be eligible for an OBC certificate under paragraph 2(II) of the order but not a ‘Delhi OBC Certificate’.

4. The learned counsel appearing for the petitioner emphasised that the petitioner had merely asked for an OBC Certificate and she was not concerned as to whether the certificate was issued under Paragraph 2(I) or 2(II) of the aforesaid Order; or whether the certificate issued to her is a OBC Certificate of Delhi or of another State.

5. In view of the above, respondent no.1 is directed to immediately process the petitioner’s request for an OBC Certificate as per her eligibility criteria within a period of two weeks from today. It is clarified that if such Certificate is issued the same would relate back to the date on which the incorrect Certificate is stated to have been issued to the petitioner. It is so directed because the petitioner cannot be prejudiced by the delay in issuance of the correct certificate.

6. The petition is disposed of in the above terms. The pending applications are also disposed of.”

9.12 In compliance of the aforesaid order, a fresh OBC certificate dated 27 August 2018 was issued by the Revenue Department in the GNCTD which read thus:



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“CERTIFICATE NO: 90500000447942

This is to certify that NEERJA D/o SHYAM SINGH R/o 1164A/A-13 VIRENDRA MARKET NAJAFGARH DELHI 110043 INDIA belongs to the JANGRA BRAHMAN community of HARYANA State which is recognised as Other Backward Class under

Resolution No. 12011/68/93-BCC(C) dated 10/09/1993, published in the Gazette of India Extraordinary Part 1, Section 1. No. 186, dated 13/9/1993. Resolution No. 12011/9/91-BCC(C) dated 19/10/1991, published in the Gazette of India Extraordinary Part I, Section 1. No. 88, dated 20/10/1995.

Resolution No. 12011/7/95-BCC(C) dated 24/05/1995, published in the Gazette of India Extraordinary Part I Section I. No. 88. dated 25/05/1995.

Resolution No. 12011/44/96-BCC(C) dated 06/12/1996, published in the Gazette of India Extraordinary Part 1, Section 1. No. 68, dated 11/12/1996.

Notification No. F(8)/11/99-2000/DSCST/SCP/OBC/2855 dated 31/05/2000. Notification No. F(6)/2000-01/DSCST/SC/OBC/11677 dated 05/02/2004.

Resolution No. 8(6)/2000-01/DSCST/ACP/OBC/11823, dated 14/11/2005.

NEERJA and her family ordinarily resides at 1164A/A-13 VIRENDRA MARKET NAJAFGARH DELHI 110043 INDIA

This certificate is issued on the basis of OBC certificate issued to SHYAM SINGH FATHER of NEERJA R/o VILLAGE ROHTAK belongs to JANGRA BRAHMAN community of HARYANA State vide Certificate No. 25071968 dated 25/07/1968 issued by the GOVT OF HARYANA.

This is also to certify that she does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT). 36033/3/2004-Estt(Res), 35033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.

Digitally signed by SUCHET SINGH,
tehsildar,



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2018.08.27 13:01:16''

9.13 Clearly, the aforesaid fresh OBC certificate which was issued by the GNCTD conformed to Clause 6(iii) of the Advertisement.

9.14 Mrs. Ahlawat and Mr. Singh, learned Counsel for the petitioner have sought to submit that, as the OBC certificate was issued on the basis of an earlier OBC certificate issued to the father of the respondent, who was a resident of Rohtak, the respondent was liable to be treated as an outsider OBC candidate and, therefore, could not claim entitlement to be recruited as TGT as a candidate belonging to the OBCs.

9.15 There is no specific exclusion of the kind which Mr. Singh has stated in para 6 of the advertisement. Para 6(iii) specifically requires the OBC candidate to possess an OBC certificate issued by the GNCTD. It does not state anything about the reason for issuing the said certificate, i.e., as to whether the certificate is issued on the basis of an earlier certificate issued to a near relative by the Revenue Authorities in the GNCTD or any other such stipulation.

9.16 We reiterate, therefore, that the OBC certificate dated 27 August 2018 subscribes to the requirement of Clause 6(iii) of the advertisement.

10. Re. Clause 6(i)

10.1 Clause (i) of para 6 of the advertisement states that reservation



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benefits would be available to SC, ST, OBC, physically handicapped and other special category candidates in accordance with instructions, orders and circulars issued from time to time by the GNCTD. We, therefore, queried of Mr. Singh as to whether there was any circular or instruction issued by the GNCTD which would invalidate the candidature of the respondent. Mr. Singh has drawn our attention to the following circular dated 8 April 1994 issued by the Ministry of Welfare, Government of India:

“F. No. 12011/11/94-BCC(C)
Government of India
Ministry of Welfare

Shastri Bhavan, New Delhi – 110001
Dated the 8th April, 1994

Chief Secretaries of all State Governments
and U.T. Administrations.

Subject: Issuing of Other Backward Class Certificates to
migrants from other States/UTs

Sir,

In continuation of the DOPT's letter of 36012/22/93-Estt. (SCT) dated 15th November, 1993, I am directed to say that it has been represented to this Department that persons belonging to OBCs who have migrated from one State to another for the purpose of employment, education, etc. experience great difficulty in obtaining caste certificates from the State from which they have migrated. In order to remove this difficulty, it has been decided that the prescribed authority of a State/U.T. Administration in terms of the DOPT letter No.36012/22/93-Estt. (SCT) dated 15th November, 1993 may issue the OBC Certificate to a person who has migrated from another State on the production of a genuine certificate issued to his father by the prescribed authority of the State of his father's origin, except where the prescribed authority feels that a detailed enquiry is necessary through the State of origin, before the issue of the certificate.

2. *The certificate will be issued irrespective of whether the OBC candidate in question is included in the list of OBC*



pertaining to the State/U.T. to which the person has migrated. The facility does not alter the OBC status of the person in relation to the one or the other State/U.T. The OBC person on migration from the State/U.T. of his origin to another State/U.T. where his caste is not in the OBC list is entitled to the concessions/benefits admissible to the OBCs from the State of his origin and Union Government but not from the State where he has migrated.

It is requested that all competent authorities may be advised to issue the OBC certificate after satisfying themselves of the correctness of the certificate. The Lists of the Competent authorities empowered as per DOPT's circular of 15th November, 1993 may be followed strictly. No other authorities may be allowed to issue the OBC certificates.

Yours faithfully,

Sd/-

Joint Secretary to the Govt. of India”

(Emphasis supplied)

10.2 Though the aforesaid circular has not been issued by the GNCTD, we have, nonetheless, considered whether the certificate would operate to prohibit the respondent from seeking consideration as an OBC candidate.

10.3 The circular dated 8 April 1994 recognises the fact that persons who may have migrated to Delhi from States outside Delhi were finding it difficult to obtain OBC certificate from the States from which they had migrated. In order to facilitate such candidates, the circular permits OBC certificates to be issued by the State to which such candidates had migrated, even if they originally belonged to another state.

10.4 The issue of the entitlement, or otherwise, of such candidates to be treated as such as OBCs certificate in the State to which they were



migrated is covered by para 2 of the Circular. Para 2 makes it clear that *if the caste to which such a candidate belong was not a notified OBC in the State to which the candidate has migrated*, the mere fact that the Revenue Authorities in such State has issued an OBC certificate to the candidate in terms of the circular dated 8 April 1994 would not entitle such a candidate to OBC benefits in the State to which she or he had migrated.

10.5 In the present case, however, the caste Jangra Brahmin is notified as an OBC in the Central List, the list of OBCs in the State of Haryana as well as the list of OBCs in the GNCTD. The fact that it is notified as an OBC in the Delhi list is acknowledged in the OBC Certificate itself.

10.6 As such, even applying the Circular dated 8 April 1994, the respondent would be entitled to be treated as an OBC candidate for recruitment as TGT (English) under the GNCTD.

11. In that view of the matter, while we do not intend to allow the contempt proceedings before the Tribunal to continue, we hold that the respondent was entitled to be treated as an OBC candidate for recruitment to the post of TGT (English) in the State of Delhi in terms of the Advertisement.

12. The writ petition is accordingly disposed of in the aforesaid terms.

13. We direct that the result of the respondent to be declared and



consequential action taken, in terms of the original order passed by the Tribunal, within eight weeks from today.

W.P.(C) 10124/2025 [GNCTD & Ors. v. Suman]

14. This writ petition is directed against judgment dated 2 September 2024, whereby the Tribunal has directed consideration of the respondent as an OBC candidate for the purposes of recruitment and has accordingly allowed OA 592/2021 filed by the respondent, unlike WP (C) 3841/2017, which is directed against an order passed in contempt proceedings.

15. The respondent had applied for the post of Primary Teacher in the Municipal Corporation of Delhi. The relevant clause in the advertisement read thus:

“5. RESERVATION BENEFITS:

(i) Reservation benefits will be available to the SC/ST/OBC/physically Handicapped & other special category candidates in accordance with the instructions / orders / circulars issued from time to time by the Govt. of Delhi. The reservation benefits under SC/STs shall be admissible as per judgment dated 12/09/2012 of Hon’ble High Court of Delhi as passed in WP(C) No. 5390/2010, CM No. 20815/2010 – Deepak Kumar and Ors Vs. District and Sessions Judge, Delhi and Ors. However, this shall be further subject to police decision of Govt. of Delhi.

(ii) Candidates who wish to be considered against reserved vacancies and/or to seek age relation, must be in possession of relevant certificates (SC/ST/OBC/Non Creamy layer/PH/Educational/Experience etc.) issued by the competent/notified authority (in prescribed format) on or before the cutoff dated (closing date of advertisement) otherwise their claim for any category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise.



(iii) *Only OBC (Delhi candidates will be given the benefit of reservation/age relaxation under OBC category OBC (Outside) candidates will be treated as Unreserved candidate and they must apply under UR category. The OBC candidates must be in possession of non-Creamy layer certificate, along with his/her caste certificate.*

(iv) *Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBCs: -*

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

(B) OBC certificate issued by a competent authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. The certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of NCT of Delhi to a family member of the concerned person who had been residing in Delhi before 08/09/1993.

(v) A Candidate belonging to SC/ST/OBC who is selected on the same standard as applied to general category candidates and who appears in the general merit list is treated as own merit candidate. Such candidate is adjusted against unreserved point of the reservation roster. Only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC candidate for example in the age limit, experience, qualification, permitted number of chances in written examination extended zone of consideration larger than what is provided for general category candidates etc. the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed to be unavailable for consideration against unreserved vacancies.”

(Emphasis supplied)

16. In the present case, the respondent had initially been issued an OBC certificate dated 22 June 2011. However, as this certificate had been wrongly issued, the Revenue Department, GNCTD issued a corrected OBC certificate dated 24 August 2020. The original and



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corrected certificate read thus:

Original Certificate dated 22 June 2011

“No. OBC/05/52/10354/26/4/2011/9121042611/663

This is to certify that Sh/Smt/Ku: SUMAN
S/o,W/o,D/o: RAM NIWASH SINGH
Resident of: M-22 HARI NAGAR SAURBH VIHA BADARPUR
N.D 44

Belongs to the community KURMI which is recognised 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 1. 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 1, Section.1. No. 88, dated 20/10/1995.
3. Resolution No. 12011/7/95-BCC(C) dated the 24/5/1995, published in the Gazette of India Extraordinary Part 1, Section 1. No. 88, dated 25/5/1995.
4. Resolution No. 12011/44/96-BCC dated the 5/12/1996, 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/SG/OBC/11677 dated 5/2/2004.

This certificate is issued on the basis of OBC Certificate issued to Shri/Smt/Kumari RAM NIWAS SINGH Father of Sh/Smt/Kumari SUMAN resident of VILLAGE KELWAR, TEHSIL GHOSI, DSTT. MAU, STATE UP who belongs to KURMI caste which is recognised as Other Backward Class in the State/U.T. UP issued by the TEHSILDAR CITY MEGISTRATE vide their No. 2686 Dated: 10/10/2006.

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.



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Sd/-
(Ajit Kumar)
Executive Magistrate, KALKA JI

Dated: 22/6/2011”

Corrected Certificate dated 24 August 2020

“Revenue Department, Govt of NCT of Delhi
Office of the District Magistrate
Sarita Vihar: South East District
OBC Certificate (Delhi)

Certificate No. 90500000493389

This is to certify that SUMAN D/o RAM NIWAS SINGH R/o M-22, SAURABH VIHAR JAIPUR DELHI 110044 INDIA belongs to the KURMI community which is recognized as Other Backward Class under the Government of NCT of Delhi notified vide Notification No. F .23(93)/91-92/SCST/P&S/ 4384 dated 1995-01-20 published in the Gazette of Delhi Extraordinary Part-IV.

SUMAN and her family ordinarily resides at M-22 SAURABH VIHAR JAIPUR DELHI 110044 INDIA.

This certificate is issued on the basis of OBC certificate issued to SHASHI SISTER of SUMAN R/o M-22, SAURABH VIHAR BADARPUR NEW DELHI belongs to KURMI community of Delhi State vide Certificate no. 57590 dated 09/07/2008 issued by the TEHSILDAR KALKAJI.

This is also to certify that she does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personal & Training O.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res), 36033/1/2013-EsmRes) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.

Digitally signed by RAMKESH MEENA”

(Emphasis supplied)

The veracity of the corrected certificate has not been disputed by the DSSSB.



17. Mr. Singh tried to distinguish this case from the case of *Neerja v. SDM Najafgarh & Ors.*⁵ on the ground that, in the case of Neerja, there was an intervening order passed by the learned Single Judge of this Court in WP (C) 3541/2017, which gave retrospective effect to the corrected certificate, from the date of issuance of the original certificate. In the absence of any such order, Mr. Singh submits that, the corrected certificate, having been issued after the cut-off date stipulated in the Advertisement, cannot be taken into account.

18. To our mind, this distinction cannot differentiate the case of the respondent and disentitle her to the benefit which enures in favour of Neerja. The mere fact that the respondent did not approach this Court for correcting the certificate and the fact that the Revenue Authorities issued a corrected certificate on their own cannot render her ineligible for the benefit of the corrected certificate.

19. The corrected certificate is clearly in terms of Clause 5(iv)(A) of the advertisement as it has been issued by the Revenue Department, GNCTD *on the basis of an old certificate issued to the sister of the respondent, also by the GNCTD.*

20. Accordingly, we find no error in the decision of the Tribunal to treat the respondent as eligible to be considered as an OBC candidate.

21. The writ petition is accordingly dismissed.

⁵ Order dated 26 July 2018 in WP C 3541/2017



22. Let the result of the respondent be declared and consequential action be taken within a period of eight weeks from today.

W.P.(C) 6026/2025 | GNCTD & Ors. v. Anjul

23. This case is identical to the case of Suman. The relevant clause in the advertisement read thus:

“5. RESERVATION BENEFITS:

(i) Reservation benefits will be available to the SC/ST/O8C/physically Handicapped & other special category candidates in accordance with the instructions / orders / circulars issued from time to time by the Govt. of Delhi. The reservation benefits under SC/STs shall be admissible as per judgment dated 12/09/2012 of Hon'ble High Court of Delhi as passed in WP(C) No. 5390/2010, CM No. 20815/2010 – Deepak Kumar and Ors Vs. District and Sessions Judge, Delhi and Ors. However, this shall be further subject to police decision of Govt. of Delhi.

(ii) Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must be in possession of relevant certificates (SC/ST/OBC/Non Creamy layer/PH/Educational/Experience etc.) issued by the competent/notified authority (in prescribed format) on or before the cutoff dated (closing date of advertisement) otherwise their claim for any category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise.

(iii) *Only OBC (Delhi candidates will be given the benefit of reservation/age relaxation under OBC category OBC (Outside) candidates will be treated as Unreserved candidate and they must apply under UR category. The OBC candidates must be in possession of non-Creamy layer certificate, along with his/her caste certificate.*

(iv) *Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBCs: -*

(A) OBC certificate (Delhi issued by the Revenue



Department of GNCT of Delhi, on the basis of a old certificate issued to any member of individual's family from GNCT of Delhi.

(B) OBC certificate issued by a competent authority outside Delhi to a person belonging to a community duly notified as OBC by GNCT of Delhi. The certificate should have mandatorily been issued on the basis of OBC certificate issued by Govt. of NCT of Delhi to a family member of the concerned person who had been residing in Delhi before 08/09/1993.

(v) A Candidate belonging to SC/ST/OBC who is selected on the same standard as applied to general category candidates and who appears in the general merit list is treated as own merit candidate. Such candidate is adjusted against unreserved point of the reservation roster. Only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OB candidate for example in the age limit, experience, qualification, permitted number of chances in written examination extended zone of consideration larger than what is provided for general category candidates etc. the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed to be unavailable for consideration against unreserved vacancies.”

24. The certificate issued to the respondent read thus:

“Revenue Department, Govt of NCT of Delhi
Office of the District Magistrate
Sarita Vihar: South East District
OBC Certificate (Delhi)

Certificate No. 90500000318639

This is to certify that ANJU D/o NARENDER Kumar R/o HOUSE NO. 1A, GALI No. -15 JAIN ORAD, VIPIN GARDEN EXTN. UTTAM NAGAR DELHI 110059 INDIA belongs to the JAT community of UTTAR PRADESH State which is recognized as Other Backward Class under

Resolution No. 12011/68/93-BCC© dated 10/09/1993, published in the Gazette of India Extraordinary Part 1 Section 1. No. 186, dated 13/9/1993 Resolution No. 12011/9/91-BCC(C) dated 19/10/1991 published in the Gazette of India Extraordinary Part 1,



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Section 1 No. 88 dated 20/10/1996.

Resolution No. 12011/7/95-BCC(C) dated 24.05.1995 published in the Gazette of India Extraordinary Part 1 Section 1 No. 88, dated 25.05.1995.

Resolution No. 12011/44/96-BCC(C) dated 06.12.1996 published in the Gazette of India Extraordinary Part 1 Section 1 No. 88 dated 11.12/1996.

Notification No. F(8)/11/ -2000/DSCS1 SCP/OBC/2855 dated 31.05.2000 Notification No. F(6)/2000-01/DSCST/SC/OBC 11677 dated 05.02.2004.

ANJU and her family ordinarily resides at HOUSE NO· 1A, GALI NO· 15, JAIN ROAD. VIPIN GARDEN EXTN, UHAM NAGAR DELHI 110059 INDIA.

This certificate is issued on the basis of OBC certificate issued to DYASH CHOUDHARY BROTHER of ANJU R/o 1A VIPIN GARDEN GALI NO. -15 UTTAM NAGAR DELHI 110059 INDIA belongs to JAT community of Delhi State vide Certificate no. 90500000287664 dated 14/07/2017 issued by E.M. DWARKA

This is also to certify that she does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personal & Training O.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res), 36033/1/2013-EsmRes) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.”

25. As in the case of Suman, the certificate issued to the respondent was in terms of the Clause 5(iv)(A) of the advertisement. We, therefore, are in agreement with the Tribunal that the respondent was eligible to be considered as an OBC candidate.

26. Accordingly, we find no error in the decision of the Tribunal to treat the respondent as eligible to be considered as an OBC candidate.

27. The writ petition is dismissed.

28. Let the result of the respondent be declared and consequential



action be taken within a period of eight weeks from today.

W.P.(C) 6419/2025 [GNCTD & Ors v. Ram Tirath]

29. In this case, the respondent was an aspirant to the post of TGT (Hindi), as an OBC candidate.

30. The relevant clause in the Advertisement read thus:

“6(ii). Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must be in possession of relevant certificates (EWS/SC/ST/OBC/ Non Creamy Layer/PwD/ Educational / Experience etc) issued by the Competent/notified authority (in prescribed format) on or before the cut-off date (closing date of advertisement) otherwise their claim for any category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise. The candidate has to select that particular category when applying online for the post. No request for change of Category will be entertained at any later stage.

6(iii). Only OBC (Delhi) candidate notified by Govt. of NCT of Delhi vide letter/order No. F.19(10)/2001/S-III/Pt. File/2278-2285 dated 27.07.2007 and No. F.19(01)/2012/S-IV/1241-1258 dated 28/07/2016 will be given the benefit of reservation/age relaxation under OBC Category. OBC (Outside) Candidates will be treated as un-reserved candidate and they must apply under UR Category. The OBC candidate must be in possession of non-creamy layer certificate along with his/her caste certificate.

6.(iv) Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBC:

(A) *OBC Certificate (Delhi) issued by the Revenue Department of GNCT of Delhi on the basis of a old certificate issued to any member of individual's family from GNCT of Delhi.*

(B) OBC Certificate issued by a competent authority outside Delhi to a person belonging to 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 a family



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member of the concerned person who had been residing in Delhi before 08.09.1993.”

31. The respondent was first issued an OBC certificate dated 11 September 2019 which read thus:

“CERTIFICATE NO: 90500000560397

This is to certify that RAM TIRATH S/o GANGA RAM R/o JHUGGI NO-306 RING ROAD NEHRU CAMP HAIDER PUR SHALIMAR BAGH DELHI 110088 INDIA belongs to the KUMHAR community of UTTAR PRADEH State which is recognised as Other Backward Class under

Resolution No. 12011/68/93-BCC(C) dated 10/09/1993, published in the Gazette of India Extraordinary Part 1, Section 1. No. 186, dated 13/9/1993. Resolution No. 12011/9/91-BCC(C) dated 19/10/1991, published in the Gazette of India Extraordinary Part I, Section 1. No. 88, dated 20/10/1995.

Resolution No. 12011/7/95-BCC(C) dated 24/05/1995, published in the Gazette of India Extraordinary Part I Section I. No. 88. dated 25/05/1995.

Resolution No. 12011/44/96-BCC(C) dated 06/12/1996, published in the Gazette of India Extraordinary Part 1, Section 1. No. 68, dated 11/12/1996.

Notification No. F(8)/11/99-2000/DSCST/SCP/OBC/2855 dated 31/05/2000. Notification No. F(6)/2000-01/DSCST/SC/OBC/11677 dated 05/02/2004.

Resolution No. 8(6)/2000-01/DSCST/ACP/OBC/11823, dated 14/11/2005.

RAM TIRATH and his family ordinarily resides at JHUGGI NO-306 RING ROAD NEHRU CAMP HAIDER PUR SHALIMAR BAGH DELHI 110088 INDIA

This certificate is issued on the basis of OBC certificate issued to GANGARAM FATHER of RAM TIRATH R/o TEHSIL HARIYA DISTT BASTI UP belongs to KUMHAR community of UTTAR PRADESH State vide Certificate No. 5521936007948 dated 17/06/2019 issued by the TEHSILDAR HARIYA.

This is also to certify that he does not belong to the person/sections



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(Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT). 36033/3/2004-Estt(Res), 35033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.

Digitally signed by PREM CHAND
TEHSILDAR,
2019.09.11 18:06:12”

32. The DOE issued the following deficiency memo to the respondent on 18 October 2022:

“GOVERNMENT OF NCT OF DELHI
Directorate of Education
Direct Recruitment Cell (E-III), Conference Hall, Old Secretariat,
Civil Lines Near Vidhan Sabha, New Delhi, Delhi, Pincode
110054

No.F: F.No.DE.3(28)/DRC/E-III/TGT/HINDI/MALE/2022 /3/37

Dated: 18.10.2022

DEFICIENCY MEMO

During the course of document verification on 18/10/2022 in r/o Ms./Mr./Mrs. RAM TIRATH (Roll No. 112703400416) for the post of TGT (HINDI)-MALE (POST CODE 34/21) the following deficiency(s) was being found:

1 NCL CERTIFICATE BEFORE CUT OFF DATE (I.e. 24/06/2021) MAY BE PROVIDED

2 CANDIDATE'S OBC CERTIFICATE ISSUED ON THE BASIS OF OTHER STATE OBC CERTIFICATE OF FATHER.

You are therefore directed to submit the requisite documents/clarification as mentioned above to, within 15 days from the date of issue of this letter.

Sd/-
(Section Officer)”

(Emphasis supplied)



33. Thereafter, the respondent, in compliance with the directions contained in the aforesaid deficiency memo, obtained a fresh OBC certificate dated 17 March 2023, which reads thus:

“CERTIFICATE NO: 90500000991235

This is to certify that RAM TIRATH S/o GANGA RAM Rio JHUGGI NO-306 RING ROAD NEHRU CAMP HAIDER PUR SHALIMAR BAGH DELHI 110088 INDIA belongs to the KUMHAR community which is recognised as Other Backward Class under the Government of NCT of Delhi notified vide Notification No. F.28(93)/91-92/SCST/P&S/ 4384 dated 1995-01-20 published in the Gazette of Delhi Extraordinary Part-IV.

RAM TIRATH and his family ordinarily resides at JHUGGI NO-306 RING ROAD NEHRU CAMP HAIDER PUR SHALIMAR BAGH DELHI 110088 INDIA.

This is also to certify that he does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res), 36033/112013-Estt(Res) dated 8/9/1993 9/03/2004 & 14110/2008 and 27/512013 respectively.”

(Emphasis supplied)

34. Mr. Singh submits that this second OBC certificate also does not comply with the requirement of Advertisement as it does not state that the OBC certificate was issued to a member of the respondent family by the GNCTD on the basis of an old certificate.

35. Mr. Shukla, however, points out that this requirement could not be insisted upon in view of the subsequent OM issued by the Services Department, Delhi Secretariat, 19 days after the advertisement, on 31 May 2021, which read:

“OFFICE MEMORANDUM



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Sub: Reservation for OBCs in the jobs under the Government of N.C.T. of Delhi reg.

In continuation of this Department's letter No. F.19(10)/2001/S-III/Pt. File/2278-2285 dated 27th July, 2007 and No.F.19(01)/2012/S.IV/1241-1258 dated 28 July, 2016 on the subject cited above (copies enclosed), the undersigned is directed to convey the clarification that:

1) *an individual, who possesses OBC (Delhi) Certificate issued by the Revenue Department, Government of National Capital Territory of Delhi certifying that he/she belongs to a caste which has been notified as OBC by the Government of National Capital Territory of Delhi, shall be entitled for the benefits of reservation to OBCS in civil posts in various Departments of Government of National Capital Territory of Delhi, irrespective of the fact that the said OBC (Delhi) Certificate has been issued with or without mentioning of old certificate issued to his/her father, siblings and real Uncles (paternal side only)*

2) an individual who possesses the OBC Certificate issued by a Competent Authority outside Delhi, certifying his/her belonging to a community duly notified as OBC by the Government of National Capital Territory of Delhi shall also be entitled for the benefits of reservation to OBCs in civil posts under Government of National Capital Territory of Delhi. This certificate should have mandatorily been issued on the basis of OBC Certificate issued by Government of National Capital territory of Delhi to his/her father, siblings and real uncles (paternal side only) of the concerned person, who had been residing in Delhi before 8th September, 1993.

This issues with the approval of the Competent Authority.”

(Emphasis supplied)

36. Inasmuch as the aforesaid OM purports to be a clarification, it would apply retrospectively.⁶

37. By virtue of the aforesaid OM, the petitioner could not have

⁶ Refer *Sree Sankaracharya University of Sanskrit v. Manu*, (2023) 19 SCC 30



treated the OBC certificate dated 17 March 2023 of the respondent as insufficient solely for the ground that it did not mention the old certificate issued to the respondent's father, siblings etc. The requirement of the certificate having been issued on the basis of the old certificate issued to a close relative of the respondent would stand eschewed in view of OM dated 31 May 2021.

38. We, therefore, do not find this to be a case to interfere with the impugned order passed by the Tribunal.

39. The writ petition is accordingly dismissed.

40. Let the respondent's result be declared and consequential action be taken within eight weeks from today.

W.P.(C) 6450/2025 [DSSSB & Anr. v. Lal Chand]

41. In this case, the respondent was an aspirant to the post of TGT (Social Science), under the OBC category.

42. The relevant clause in the advertisement read thus:

“6. RESERVATION BENEFITS

(i) Reservation benefits will be available to the EWS/SC/ST/OBC/PwD & other special category candidates in accordance with the instructions/orders / circulars issued from time to time by the Govt. of NCT of Delhi.

(ii). Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must be in



possession of relevant certificates (EWS/SC/ST/OBC/ Non Creamy Layer/PwD/ Educational / Experience etc) issued by the Competent/notified authority (in prescribed format) on or before the cut-off date (closing date of advertisement) otherwise their claim for any category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise. The candidate has to select that particular category when applying online for the post. No request for change of Category will be entertained at any later stage.

(iii). Only OBC (Delhi) candidate notified by Govt. of NCT of Delhi vide letter/order No. F.19(10)/2001/S-III/Pt. File/2278-2285 dated 27.07.2007 and No. F.19(01)/2012/S-IV/1241-1258 dated 28/07/2016 will be given the benefit of reservation/age relaxation under OBC Category. OBC (Outside) Candidates will be treated as un-reserved candidate and they must apply under UR Category. The OBC candidate must be in possession of non-creamy layer certificate along with his/her caste certificate.

(iv) Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBC:

(A) OBC Certificate (Delhi) issued by the Revenue Department of GNCT of Delhi on the basis of a old certificate issued to any member of individual's family from GNCT of Delhi.

(B) OBC Certificate issued by a competent authority outside Delhi to a person belonging to 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 a family member of the concerned person who had been residing in Delhi before 08.09.1993.

(v) A Candidate belonging to SC/ST/OBC who is selected on the same standard as applied to general category candidates and who appears in the general merit list is treated as own merit candidate. Such candidate is adjusted against unreserved point of the reservation roster. Only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC



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candidate, for example in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates, etc., the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed to be unavailable for consideration against unreserved vacancies.”

43. The respondent was first issued an OBC certificate dated 12 January 2016 which read thus:

“CERTIFICATE NO: 90500000043570

This is to certify that LAL CHAND S/o BIPAT RAM GUPTA R/o A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA belongs to the TELI community of UTTAR PRADEH State which is recognised as Other Backward Class under

Resolution No. 12011/68/93-BCC(C)dated 10/09/1993, published in the Gazette of India Extraordinary Part 1, Section 1. No. 186, dated 13/9/1993. Resolution No. 12011/9/91-BCC(C) dated 19/10/1991, published in the Gazette of India Extraordinary Part I, Section 1. No. 88, dated 20/10/1995.

Resolution No. 12011/7/95-BCC(C)dated 24/05/1995, published in the Gazette of India Extraordinary Part I Section I. No. 88. dated 25/05/1995.

Resolution No. 12011/44/96-BCC(C)dated 06/12/1996, published in the Gazette of India Extraordinary Part 1, Section 1. No. 68, dated 11/12/1996.

Notification No. F(8)/11/99-2000/DSCST/SCP/OBC/2855 dated 31/05/2000. Notification No. F(6)/2000-01/DSCST/SC/OBC/11677 dated 05/02/2004.

Resolution No. 8(6)/2000-01/DSCST/ACP/OBC/11823, dated 14/11/2005.

LAL CHAND and his family ordinarily resides at A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA

This certificate is issued on the basis of OBC certificate issued to BIPATRAM FATHER of LAL CHAND R/o AKBAR PUR,



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AMBEDKAR NAGAR, UP belongs to TELI community of UTTAR PRADESH State vide Certificate No. 480131515684 dated 11/09/2015 issued by the TEHSILDAR UP.

This is also to certify that he does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT). 36033/3/2004-Estt(Res), 35033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.

Digitally signed by SURENDER KUMAR,
TEHSILDAR,
2016.01.12 14:08:54"

44. The DOE issued the following deficiency notice to the respondent on 17.01.2022:

“GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI 92

No.F.A (30)/DSSSB/CC-IV/2021/1116-111 Dated: 17.01.2022

NOTICE NO.99

Subject: - First Recall Notice in r/o TGT Social Science (Male),
Post Code 39/21.

1. This is in continuation of Notice no. 75 Dated 15.12.2021 for uploading of e-dossier by shortlisted candidates. Out of 1085 shortlisted candidates, the e-dossiers have been uploaded by 1029 candidates.
2. After Scrutiny of E-dossiers submitted by the candidates, the e-dossiers of 92 candidates having following roll numbers have been found deficient as per remarks mentioned against each. Accordingly, these candidates are being provided opportunity to upload the deficient documents within the given time period from 18.01.2022 to 27.01.2022.

3. All the above 92 candidates, whose documents are deficient, are directed to upload their pending documents/ all requisite /



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applicable documents etc., through the e-dossier module in the stipulated time.

4. The e-dossier link shall be active from 18.01.2022 to 27.01.2022 in r/o the above-mentioned candidates. All the above candidates are also being separately informed through SMS (as an additional facility) on their registered mobile numbers.
5. Mere asking the candidates for uploading the deficient documents in the e-dossier module does not confer any right to selection to the applied post. Final selection will be made purely on the basis of merit against the notified vacancies, provided the candidate falling in the zone of consideration fulfils all the required eligibility conditions.
6. While every care has been taken in preparing the above list, DSSSB reserves the right to rectify errors and omissions, if any detected at any stage or arising due to court cases.

DY. SECRETARY”

45. Thereafter, the respondent, in compliance with the directions contained in the aforesaid deficiency Notice no. 99 dated 17 January 2022, obtained a fresh OBC certificate dated 7 February 2022, which read thus:

“CERTIFICATE NO: 90500000828640

This is to certify that LAL CHAND S/o BIPAT RAM GUPTA Rio A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA belongs to the TELL community which is recognised as Other Backward Class under the Government of NCT of Delhi notified vide Notification No. F.28(93)/91-92/SCST/P&S14384 dated 1995-01-20 published in the Gazette of Delhi Extraordinary Part-IV.

LAL CHAND and his family ordinarily resides at A-35 BABA FARID PURI WEST PATEL NAGAR DELHI 110008 INDIA.

This is also to certify that he does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res); 36033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.”



46. Mr. Singh submits that this, second OBC certificate also does not comply with the requirement of advertisement as does not state that the OBC certificate was issued to the member of the respondent family by the GNCTD on the basis of an old certificate.

47. As we have held earlier, however, this requirement could not be insisted upon in view of the subsequent OM dated 31 May 2021 issued by the Services Department, Delhi Secretariat.

48. By virtue of aforesaid OM, the petitioner could not have treated the OBC certificate dated 7 February 2022 of the respondent as insufficient solely for the ground that it did not mention the old certificate issued to the respondent's father, siblings etc. The requirement of the certificate having been issued on the basis of the old certificate issued to a close relative of the respondent would stand eschewed in view of OM dated 31 May 2021.

49. We, therefore, do not find this to be a case to interfere with the impugned order passed by the Tribunal.

50. The writ petition is accordingly dismissed.

51. Let the respondent's result be declared and consequential action be taken within eight weeks from today.

W.P.(C) 6589/2025 [GNCTD & Ors. v. Kanhaiya Kumar]

52. In this case, the respondent was an aspirant to the post of TGT



(Hindi) (Male), under the OBC category.

53. The relevant clause in the advertisement read thus:

“6(ii). Candidates who wish to be considered against reserved vacancies and/or to seek age relaxation, must be in possession of relevant certificates (EWS/SC/ST/OBC/ Non Creamy Layer/PwD/ Educational / Experience etc) issued by the Competent/notified authority (in prescribed format) on or before the cut-off date (closing date of advertisement) otherwise their claim for any category will not be entertained and their applications will be considered against Un-reserved (UR) category vacancies, if eligible otherwise. The candidate has to select that particular category when applying online for the post. No request for change of Category will be entertained at any later stage.

6(iii). Only OBC (Delhi) candidate notified by Govt. of NCT of Delhi vide letter/order No. F.19(10)/2001/S-III/Pt. File/2278-2285 dated 27.07.2007 and No. F.19(01)/2012/S-IV/1241-1258 dated 28/07/2016 will be given the benefit of reservation/age relaxation under OBC Category. OBC (Outside) Candidates will be treated as un-reserved candidate and they must apply under UR Category. The OBC candidate must be in possession of non-creamy layer certificate along with his/her caste certificate.

6.(iv) Only following two types of certificates will be accepted as valid certificates for grant of benefit of reservation to OBC:

(A) *OBC Certificate (Delhi) issued by the Revenue Department of GNCT of Delhi on the basis of a old certificate issued to any member of individual's family from GNCT of Delhi.*

(B) OBC Certificate issued by a competent authority outside Delhi to a person belonging to 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 a family member of the concerned person who had been residing in Delhi before 08.09.1993.”

54. The respondent was first issued an OBC certificate dated 30 December 2018.



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55. The DOE issued the following deficiency memo to the respondent on 18 October 2022:

“GOVERNMENT OF NCT OF DELHI
Directorate of Education
Direct Recruitment Cell (E-III), Conference Hall, Old Secretariat,
Civil Lines
Near Vidhan Sabha, New Delhi, Delhi, Pincode-110054

No.F:F.No.DE.3(28)/DRC/E-III/TGT /HINDI/MALE/2022/ 1007
Dated: 18.10.2022

DEFICIENCY MEMO

During the course of document verification on 18/10/2022 in r/o Ms./Mr./Mrs. KANHAIYA KUMAR (Roll No. 121103400686) for the post of TGT (HINDI)-MALE (POST CODE 34/21) the following deficiency(s) was being found:

1 OBC CERTIFICATE HAS BEEN ISSUED ON THE BASIS OF OTHERS STATE CERTIFICATE.

You are therefore directed to submit the requisite documents/clarification as mentioned above to, within 15 days from the date of issue of this letter.

Sd/-
(Section Officer)”

56. Thereafter, the respondent, in compliance with the directions contained in the aforesaid deficiency memo, obtained a fresh OBC certificate dated 14 March 2023, which reads thus:

“CERTIFICATE NO: 90500000992864

This is to certify that KANHAIYA KUMAR S/o NAGESHWAR PANDIT R/O HOUSE NO-204 B-BLOCK NEAR AMBEDKAR PARK SHAHBAD DAIRY DELHI 110042 INDIA belongs to the KUMHAR community which is recognised as Other Backward Class under the Government of NCT of Delhi notified vide Notification No. F.28(93)/91-92/SCST/P&S/4384 dated 1995-01-20 published in the Gazette of Delhi Extraordinary Part-IV.



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KANHAIYA KUMAR and his family ordinarily resides at HOUSE NO-204 B-BLOCK NEAR AMBEDKAR PARK SHAHBAD DAIRY DELHI 110042 INDIA.

This is also to certify that he does not belong to the person/sections (Creamy layer) mentioned in column 3 of the Schedule to the Govt. of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt(SCT), 36033/3/2004-Estt(Res); 36033/1/2013-Estt(Res) dated 8/9/1993 9/03/2004 & 14/10/2008 and 27/5/2013 respectively.”

57. Mr. Singh submits that this, second OBC certificate also does not comply with the requirement of advertisement as does not state that the OBC certificate was issued to the member of the respondent family by the GNCTD on the basis of an old certificate.

58. Following the decisions *supra* in WP (C) 6419/2025, and the corrected OBC certificate dated 14 March 2023 entitled the respondent to be treated as an OBC candidate.

59. We, therefore, do not find this to be a case to interfere with the impugned order passed by the Tribunal.

60. The writ petition is accordingly dismissed.

61. Let the respondent's result be declared and consequential action be taken within eight weeks from today.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 2, 2026

AR/cd/dsn