

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi**
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002
Phone: 011-23216003-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the Rights of Persons with Disabilities Act,
2016]

Case No.1828/1014/2020/06/1208-1210

Dated:11-08-21

In the matter of:

**Ms. Munazza,
House no.1830, Ist Floor,
Agha Jaan Street, Kalan Mahal,
Darya Ganj, New Delhi-110002**

.....Complainant

Versus

**The Chairman,
Delhi Subordinate Services Selection Board
FC-18, Institutional Area, Karkardooma
Delhi-110092.**

..... Respondent No.1

**The Chairman
New Delhi Municipal Council
Palika Kendra, Parliament Street
New Delhi-110001**

..... Respondent No.2

DOH: 10.08.2021

**Present: Sh. Shamsuddin, husband of the complainant Ms. Munazza.
Sh. Biju Raj E, Dy.Secretary, DSSSB appeared on behalf of
respondent No.1,
Sh. Shiv Kumar Jt. Director (Education) appeared on behalf of
respondent No. 2.**

ORDER

The above complainant Ms. Munazza, a person with locomotor disability vide her email dated 16.06.2020 submitted her issue relating to

pending candidature for the post of Asstt. Teacher (Urdu), Post Code 60/14 in PH/OBC category.

2. The matter was taken up with the respondent No. 1 & 2 vide letter dated 22.06.2020 for submission of their comments. A reply was received from Dy. Secy. (DSSSB) on 31.08.2020 vide which it was informed that the Board had declared the result of the post code 60/14 vide Result Notice 467 dated 21.06.2019 and as per policy the waiting panel constituting of all the candidates above minimum qualifying marks in their respective category for the post code 60/14 was valid for the period of one year i.e upto 20.06.2020. The applicant alongwith other such qualified candidates in respective categories was part of the waiting panel. However, as per existing Services Department, GNCT of Delhi Circular No 16(3)/DSSSB/2007-S-III/1268 dated 13.06.2019, waiting panel for the post code 60/14 expired on 20.06.2020. Further, as per the query of the applicant regarding display /uploading of waiting panel is concerned, the Board only displays roll numbers of the provisionally nominated candidates in the concerned Result Notice.

3. Joint Director (Education, NDMC vide their reply dated 24.09.2020 submitted para-wise reply as under:

- (i) 16 Nos. Of candidates have joined till 20.06.20 (UR-05), OBC-11), total 05 OBC candidates have not accepted offer

of appointment and 22 candidates presented for document verification.

(ii) Para 2 & 4 does not pertain to NDMC.

(ii) No waiting list has been provided by DSSSB.

4. To resolve the matter with jurisprudence and dispose the petition of the complainant, a hearing was scheduled on 10.08.2021. During the hearing, Sh. Shamsuddin, husband of the complainant Ms. Munazza appeared to present the case. Representatives of Respondent No. 1 & 2 were also present.

5. Complainant vide her rejoinder dated 24.06.2021 also stated that validity of the waiting panel was extended vide DSSSB letter No. F16(3)/DSSSB/2007/S-III/267 dated 01.02.21 but her result is still awaited.

6. During the hearing, all the parties submitted facts as under:

(i) Complainant reiterated the written submissions and added that she should have also been given the benefit of extension as given to candidates of waiting panel whose validity expired between 24.03.2020 to 31.05.2020 i.e. during the period of lockdown, which was been extended upto 31.12.2020 due to Covid -19.

(ii) Representative of Respondent No. 1 reiterated their written submissions and added that the extension of validity of waiting panel due to Covid-19 was given with the approval of Hon'ble Lt. Governor as the Chairperson of Delhi Disaster Management Authority as a one-time measure not to be quoted as a precedent in view of the lockdown imposed during COVID-19 pandemic. He further added that extension of waiting panel is a policy matter and per existing policy waiting panel for the post code 60/14 had already been expired on 20.06.2020.

(iii) Representative of Respondent No. 2 has added that DSSSB recommended 27 candidates for this post code 60/14 on 15.10.2019 & 09.01.2020. However, name of complainant Ms. Munazza did not figure in the list. Accordingly NDMC issued appointment letters to all 27 candidates. However, 07 candidates (including the PH category candidate) did not join and their dossiers have been returned to DSSSB in November 2020 with the request to recommend name from reserved panel.

7. After due deliberations and discussion on the case, the court recommends as under:

(i) The Court observed that as per existing orders the lockdown period was upto 31.05.2020, while in case of Ms. Munazza, validity of her one year's waiting panel expired on 20.06.2020. Thus, this Court

does not find any valid reason to accept her plea as there is no discrimination in this case and it was done as per rule and the Court cannot change such rule or policies framed by government.

(ii) The Court also insisted the need of filling up of posts of Assistant Teacher Urdu, in PH category if the posts are still lying vacant, NDMC being user department is also directed to start fresh process of filling up of such posts through DSSSB and the complainant Ms. Munazza could again try for the same.

8. The case is disposed of.

9. Given under my hand and the seal of the Court this 11th day of August, 2021.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities