



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003

File No. VK/2/2019/STGDH/SEOTH/RU-I

Dated: 04/3/2020

To,

1. The Secretary
Education Department,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi- 110054

2. The Chairman,
Delhi Subordinate Service Selection Board,
FC-18, Institutional Area, Karkardooma,
Delhi- 110092

Sub: Representation dated 26.02.2019 of Shri Vipin Kumar, (B-4/12 2nd Floor, Sector 15 Rohini New Delhi) regarding non implementation of reservation policy by the DSSSB and Directorate of Education in Post code No. 05/10 (TGT Mathematics).

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 25.02.2020 at 02:00 P.M. under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes in the matter. Further a copy of the representation dated 26.2.2020 of Shri Vipin Kumar is enclosed which is relation to issue discuss in the meeting for comments.

It is, requested that action taken on the suggestions / recommendations of the Commission and the issue raised in the representation dated 26.2.2020 of Shri Vipin Kumar may please be sent to the Commission at the earliest.

Yours faithfully,

(S.P. Meena/एस.पी.मीना)

Assistant Director/सहायकनिदेशक

Tel: 011-24641640.

Copy to:

Shri Vipin Kumar,
B-4/12 2nd Floor,
Sector 15 Rohini,
New Delhi- 110089.
(Mob No. 9988298029)

Copy for information to:

1. PS to Hon'ble Chairperson, NCST
2. NIC (please upload on the Commission's website)


Government of India
National Commission for Scheduled Tribes

MINUTES OF SITTING HELD IN THE NCST'S HEADQUARTERS ON 25/02/2020 AT 02:00 PM UNDER THE CHAIRMANSHIP OF DR.NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST IN THE CASE OF SHRI VIPAN KUMAR, (B-4/12 2ND FLOOR, SECTOR 15 ROHINI NEW DELHI) REGARDING NON IMPLEMENTATION OF RESERVATION POLICY BY THE DSSSB AND DIRECTORATE OF EDUCATION IN POST CODE NO. 05/10 (TGT MATHEMATICS).

(F. No. VK/2/2019/STGDH/SEOTH/RU-I)

List of participants is annexed.

2. Shri Vipin Kumar, (ST of Himachal Pradesh), New Delhi vide representation dated 26.2.2019 has stated regarding non implementation of reservation policy by the Delhi Subordinate Services Selection Board (DSSSB) and Directorate of Education, GNCTD in post code no. 05/10 (TGT Mathematics) and requested for justice. The NCST vide letter dated 15.3.2019 had sought the comments/facts from Education Department, GNCTD and DSSSB.
3. The Department of Education, GNCTD vide letter No. DE.3(48)/E-III/DR/2011/433 dated 10.4.2019 has informed that requisition for 207 posts (UR-109, OBC-28, SC-45 & ST-25) for the post TGT (Math) Male were sent to DSSSB and the same were advertised by DSSSB vide their Advertisement No. 01/2010 and its addendum of Advertisement No. 01/2010. As per details attached with Result Notice No. 242 dated 04.10.2011 the DSSSB has not processed the case of 25 ST candidates under ST category due to the reasons mentioned in the remarks column that "in view of the judgements dated 04.8.2009 of Hon'ble Supreme Court of India as passed in Civil Appeal No. 5092/09 (arising out of SLP Civil No. 24327 of 2005)-Subhash Chandra Vs. DSSSB and Ors. With WP (C) No. 507 of 2005- Sarv Rural an Urban Welfare Society Vs. union of India & Ors. and in the absence of Presidential notification under Article 342 of the Constitution for STs in the UT of Delhi, the result of ST candidate has not been processed". The dossier of Shri Vipin Kumar for the post of TGT (Math) under post code No. 05/10 category ST was not received from DSSSB. The DSSSB vide letter No. Dy. Secy./CC-I/DSSSB/2019/2771 dated 10.5.2019 has also furnished similar comments, as submitted by Department of Education, GNCTD vide aforementioned letter.

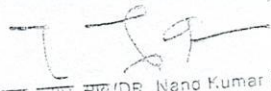

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

4. As per procedure, comments of DSSSB and Department of Education was communicated to petitioner. The petitioner vide rejoinder dated 04.7.2019 has refuted the facts and requested for justice. The rejoinder was sent to Department of Education, GNCTD and DSSSB for further comments on 22.7.2019. The Department of Education vide letter No. DE.3(48)/E-III/DR/2011/802 dated 06.8.2019 has furnished the reply.

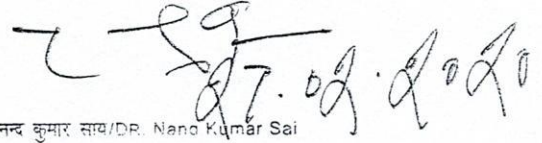
5. Shri H.C. Vasava, Hon'ble Member, NCST fixed the sitting for 15.1.2020 to discuss the issue with the Officers of Department of Education, DSSSB and petitioner. On the day of sitting dated 15.1.2020, the Secretary, Department of Education, GNCTD and officers of DSSSB appeared. But the petitioner was not present. Therefore, the Hon'ble Member postponed the sitting.

6. The Hon'ble Chairperson fixed the sitting for 25.2.2020 at 02:00 PM to discuss the issue with the Secretary, Department of Education, GNCTD and Chairman, DSSSB and the petitioner. The sitting notice issued on 20.2.2020. The Secretary, Education of Department, GNCTD vide letter No. PA/SE/2020/87 dated 25.2.2020 informed that he has been transferred from Education Department and requested for exemption and informed that the Special Director (Admin) would be attending the meeting.

7. On the sitting dated 25.2.2020, the Hon'ble Chairperson asked the petitioner to explain his grievance. The petitioner informed that he belongs to ST community of Himachal Pradesh and applied for the post of TGT (Math) Male advertised by DSSSB vide their Advertisement No. 01/2010. Due to non implementation of reservation policy by DSSSB and Department of Education, GNCTD, he had not been appointed for the post. The Hon'ble Chairperson asked the officers of DSSSB and Department of Education, GNCTD to explain regarding action taken by their Department in the matter. The officers of DSSSB informed that due to judgements dated 04.8.2009 of Hon'ble Supreme Court of India as passed in Civil Appeal No. 5092/09 (arising out of SLP Civil No. 24327 of 2005)-Subhash Chandra Vs. DSSSB and Ors. With WP (C) No. 507 of 2005- Sarv Rural an Urban Welfare Society Vs. Union of India & Ors., and in the absence of Presidential notification under Article 342 of the Constitution for ST's in the UT of Delhi, the result of ST candidate has not been processed.


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

8. After detailed discussion with the officers of DSSSB, Department of Education, GNCTD and petitioner, Hon'ble Chairperson advised the petitioner that name of candidate, who has been appointed by the DSSSB in that period in the posts of GNCTD may be brought to the notice of Commission. Thereafter, Commission will decide further course of action.



डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

Annexure

List of participants of the sitting held on 25/2/2020 at 02:00 P.M under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairman, NCST in the case of Shri Vipin Kumar, (B-4/12 2nd Floor, Sector 15 Rohini New Delhi) regarding non implementation of reservation policy by the DSSSB and Directorate of Education in Post code No. 05/10 (TGT Mathematics).

(File No. VK/2/2019/STGDH/SEOTH/RU-I)

I National Commission for Scheduled Tribes

- 1 Shri. K.Touthang , Joint Secretary
- 2 Dr. Lalit Latta, Director
- 3 Shri R.S. Misra, Senior Investigator

II Education of Department, GNCTD

- 1 Shri Binay Bhushan, Director
- 2 Ms. Ranjana Deswal, Special Director

III Delhi Subordinate Service Selection Board

Shri A.K. Singh, COE

IV Petitioner

Shri Vipin Kumar