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त्रिकूट-१, भीकाजी कामा प्लेस,
नई दिल्ली - ११००६६
Trikoot-1, Bhikaji Cama Place,
New Delhi - 110066

भारत सरकार
राष्ट्रीय पिछड़ा वर्ग आयोग
GOVERNMENT OF INDIA

Email/Speed Post

NATIONAL COMMISSION FOR BACKWARD CLASSES

(A Constitutional body exercising powers of Civil Court under Article 338 'B' of the Constitution of India)

F. No. NCBC/06/10/1003/2021-CP

Dated: 21.01.2022

To,

The Chief Secretary,
Delhi Secretariat,
Govt. of NCT of Delhi,
I.P. Estate, New Delhi-110002.
(Email: csdelhi@nic.in)

The Commissioner,
East Delhi Municipal Corporation,
419, Udyog Sadan, Patparganj Industrial Area,
New Delhi - 110092.
(Email: commissioneredmc@gmail.com)

Sub: Arbitrary with holding /delaying appointment of Ms. Priti Poddar on the post of Assistant Teacher (Nursery) Under OBC category since 2016 despite Hon'ble Central Administrative Tribunal, New Delhi order dated 12-04-2021 by Commissioner, East Delhi Municipal Corporation(EDMC).

The National Commission for Backward Classes (herein after called the Commission) has been constituted under Article 338B of the Constitution of India. It shall be the duty of the Commission to investigate and monitor all matters relating to the safeguard provided for the Socially and Educationally Backward Classes under any other law for the time being in force or under any order to the Government and to evaluate the working of such safeguard.

2. Kindly refer to the Hearing held on 07.01.2022 at 02:30 PM. In this regard, **Dr. Bhagwan Lal Sahni, Hon'ble Chairman**, National Commission for Backward Classes, has fixed a hearing on **24.01.2022 at 02:30 PM** in the Chamber of Hon'ble Chairman, First Floor, Trikoot-I, Bhikaji Cama Place, New Delhi-110066 for investigation/inquiry/action to be taken in the matter.

3. Accordingly, you are requested to appear in person for hearing before the Hon'ble Chairman on the above scheduled date and time along with full facts, reply as per questionnaire attached as annexure-I and all relevant original records/ documents pertaining to the case. Stamp Paper (Rs. 10) may be brought with you to furnish reply on affidavit to the Commission as per requirement. The petitioner is advised to be present in the hearing.

4. Please take notice that in case you fail to attend the Hearing, the Commission is its liberty to exercise the powers of Civil Court under clause (8) of article 338 B of the Constitution of India for enforcing your attendance before the Commission.

5. This issues with the approval of Hon'ble Chairman, NCBC.


(J. Ravishankar) 21/01/22

Under Secretary (Admin)

Questionnaire for the Chief Secretary, Govt. of NCT Delhi

- 1) Whether Govt. of NCT Delhi is following DOPT's O.M. No. 36033/4/97-Estt.(Res.) dated 25-07-2003 relating to verification of certificate of OBC Candidates selected through DSSSB at the time of their appointment.
- 2) Please supply a statement showing list of such OBC candidates selected through DSSSB from whom latest OBC/NCL (where crucial date treated as closing date for receipt of application) has been called for at the time of appointment during the last 10years together with supporting instructions/guidelines of Govt. of India.
- 3) As per DoPT Govt. of India's guidelines/instructions on verification of character and antecedents whether appointment of a selected candidate can only be withheld in case of "conviction" by Court of law.
- 4) Whether Appointment can be withheld on the basis of mere FIR with a Police Station, and if so, please supply a copy of such applicable Rules/Guidelines/instructions of GOVT.
- 5) If so, please supply a statement showing list of such OBC candidates selected through DSSSB etc. whose appointment has been withheld on the ground of existence of a FIR with the Police station.
- 6) Please supply statement showing number of Cases pending against and Disposed of before the Court of Law relating Appointment of candidates withheld on the existence of mere FIR with Police Station either from general &OBC candidates or Govt. of NCT, Delhi.
- 7) Please supply a statement showing number of cases pending against and Disposed of before the Court of Law relating to production of latest Non-Creamy layer certificate (where crucial date treated as closing date for receipt of application) at the time of Appointment either from the candidates or Govt. of NCT of Delhi during the last 10 years.

Questionnaire for the Commissioner EDMC

- 1) Whether EDMC is following DoPT's O.M. No. 36033/4/97-ESst. (Res) dated 25-07-2003 relating to verification of certificate of OBC candidates selected through DSSSB at the time of their appointment.
- 2) Please supply a statement showing list of such OBC candidates selected through DSSSB from whom Latest OBC certificate/LATEST NCL (where crucial date treated as closing date for receipt of application) has been called for at the time of their appointment during the last 10years with copy of supporting applicable guidelines/instructions of Govt. of India.
- 3) Please supply a statement showing list of OBC candidates selected through DSSSB whose Educational Qualifications, OBC certificate has been re-verified by EDMC during the last 10 years and supply a copy of supporting applicable guidelines/instructions of the Govt. of India and Govt. of NCT Delhi.
- 4) Whether Appointment of a candidate can be withheld merely on the basis of FIR against him/her with a Police Station and if so, please supply copy of such applicable Rules/Guidelines/instructions of Govt.
- 5) Please supply a statement showing list of such selected OBC candidates through DSSSB whose appointment has been withheld merely on the ground of existence of FIR with the Police station.
- 6) Please supply statement showing number of Cases pending against and Disposed of by the Court of Law relating Appointment of candidates whose Appointment has been withheld merely on existence of FIR with Police Station either with respect to general candidates and OBC candidates or EDMC?.
- 7) Please supply a statement showing number of cases pending against and Disposed of by the Court of Law relating to production of latest Non-Creamy layer certificate(where crucial date treated as closing date for receipt of application) at the time of Appointment either from the OBC candidates or EDMC?
- 8) Also Produce Original Files related to appointment of Complainant on the post of Asstt. Teacher.

Copy to:-

1. PS to Hon'ble Chairman
2. Adviser (RK)
3. Legal Cell
4. Programmer, NCBC for uploading on website.
5. Miss Priti Poddar, H.No.379, Sector-11, Vasundhara, Ghaziabad-201012
(Email:priticnn@gmail.com).