

**Central Administrative Tribunal
Madras Bench**

OA/310/00602/2014

Dated Friday the 1st day of January Two Thousand Sixteen

P R E S E N T

**Hon'ble Mr.K.Elango, Member(J)
&
Hon'ble Mr.R.Ramanujam, Member(A)**

**L.Ragavendran
S/o Shri K.L.Lakshmanan,
TNTEA Quarters, Coonoor-643 101,
The Nilgiris District. .. Applicant**

By Advocate M/s.Ayyar & Iyer

Vs.

- 1. Union of India rep by
The Secretary to the Government of India,
M/o Communications & IT,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi 110 011.**
- 2. The Chief Post Master General,
Tamil Nadu Circle,
Chennai 600 002. .. Respondents**

By Advocate Mr.M.Kishore Kumar

ORDER
(Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

The case of the applicant herein is that he had applied for the post of Postal Assistant Post Offices (PAPO) under the respondents. In order to get appointment as PAPO the applicant had to qualify in Part-I (written tests) and Part-II (Typing tests in computer). Only persons who pass the Part-I (written test) would be short-listed for Paper-II (Computer typing test). The applicant, an OBC candidate, appeared in the computer test and was awarded 36.38% marks, while the qualifying marks for OBC was 37%. Having failed to qualify, he collected information under the RTI Act regarding the evaluation process and discovered that it was being done by an outsourced agency. It is alleged that the respondents did not have any mechanism by which the results of the test could be verified and, therefore, the applicant felt that he was deprived of a chance to serve under the State as a PAPO. According to the applicant, he could not have been left out of the list of successful candidates unless there was a serious omission in the process of evaluation on the part of the respondents. He had obtained copies of the typing test papers from the 2nd respondent. It was found that the applicant was awarded 21.71 marks in the data entry test. No marks were awarded in the Typing Test Result Evaluation Sheet from which it was known that the applicant had typed

2570 gross strokes with a gross speed of 34 WPM in 15 minutes. After error hit strokes of 945, he had typed net strokes of 1625 with the net speed of 22 WPM. A scrutiny of Typing Test paper under RTI revealed that there were only mistakes in 25 words or 125 strokes in the total of 514 words or 2570 gross strokes. This meant that after reducing the wrong words or strokes, the net correct strokes worked out to 2445 or 489 words at the rate of 32.6 WPM. This is in abject contrast to the claim made by the 2nd respondent in their RTI reply that his error hit strokes were 945. He accordingly seeks a direction to the respondents to place him appropriately in the merit list and offer him an appointment.

2. The respondents contest the allegation stating that the qualifying criteria and the evaluation criteria for Paper-II had been clarified to the candidates at the time of the test. The evaluation criteria adopted by the respondents was as follows:-

“For Typing Test (in English) Net Speed 30 wpm = 20 marks. Application software evaluates the typing test for correctness and speed.

For Typing Test (in Hindi) Net Speed 25 wpm = 20 marks. Application software evaluates the typing test for correctness and speed.

For Data Entry Test (English) applicant is given 50 Alphanumeric forms each of 50 characters (7 fields) to do the data entry in 15 minutes. Application software evaluates the typing test for correctness and speed. Each completely correct form scores 1 mark. Twenty correct Data entries forms = 20 Marks.”

The applicant secured 36.38% in Paper-II with a break up of 14.67% in

the Typing test and 21.71% in the computer test as against the minimum qualifying marks of 37% for the OBC category. M/s. CMC Limited was selected by the Postal Directorate, New Delhi for processing of applications, conducting the above examination and providing merit lists. Evaluation of the candidates' performance was done through a Typing Test Software for typing test and an Application Software for data entry test to evaluate the candidates' accuracy and speed. There was no manual correction of Paper-II. The Typing Test Software generated the following output regarding the performance of the applicant in Paper-II:-

1. Test duration: 15 minutes
2. Gross strokes: 2570
3. Error hit strokes: 945
4. Net strokes: 1625
5. Gross speed: 34 words per minute
6. Net speed: 22 words per minute

The applicant had signed the evaluation sheet which clearly indicated the number of error hit strokes as 945.

3. The respondents also submit that a briefing session was conducted before the computer skill test for each batch where mandatory rules of the test were explained to the aspiring candidates. The applicant had not followed the rules regarding synchronization of what was being shown as highlighted matter due to which the software treated all

subsequent typed matter as incorrect. The mistake on account of this would not be reflected in the printed hard copy which has been produced by the applicant before this Tribunal as evidence. Evaluation by the Software is correct and the Typing Test of all the candidates of the circle have been done and evaluated across the Postal Circle using this Software only. As the candidate had not followed the rules, the Software was bound to produce a result that would be adverse to the candidate.

4. Heard the learned counsel for the applicant and the respondents and perused the pleadings and materials produced by the rival parties.
5. Learned counsel for the applicant submitted that the number of errors committed by the candidate should be physically checked from the evidence produced by him and it would be noticed that this number is only 125 and not 945 as shown in the evaluation sheet. This being the case, the candidate could not be penalised for an incorrect evaluation which could have arisen only due to a faulty Software.
6. Learned counsel for the respondents however, pointed out that the candidate had signed the evaluation sheet soon after the completion of the test in acknowledgement of the results generated therein. He had made no protest at that time. The allegation made by the applicant in this OA are an after thought. There has been no complaint from any other candidate about the Software and the applicant has only himself to blame

for not following the rules correctly.

7. After carefully considering the facts of the case and the submissions made by the rival counsel, we are of the view that the applicant has failed to make out a case for interference by this Tribunal. During the course of hearing, the learned counsel for the applicant had contested the claim of the respondents that the applicant had signed the evaluation sheet in acknowledgement of the results contained therein. We, therefore, directed the respondents to produce the original before us. After perusing the original evaluation sheet, we are satisfied that the applicant had indeed signed the evaluation sheet wherein the number of error hit strokes is shown as 945. The applicant's claim that the number of errors committed by him by a manual comparison of the material to be typed and his typed answer sheet is only 125, cannot be accepted as it is possible that the software allowed for the counting of all the error strokes including the ones corrected by backspacing by the candidate. Even if this is not the case, there is no reason to believe that the software used by the respondents would malfunction in the case of the applicant alone. Had it been the case of a faulty software, it would have resulted in a totally chaotic output by which a large number of candidates would have been affected. There is no evidence of any complaint received in this regard from any other candidate. We also have no reason to disbelieve

the respondents that the applicant failed to observe the rules regarding synchronisation of highlighted matter which could have resulted in the output generated by the software.

8. As there is no allegation of malafide or bias on the part of the respondents in conducting the selection process, we are not inclined to interfere in the matter. We find no merit in the prayer of the applicant that the computer output for his performance should not be taken into account and his performance should be reassessed manually. The OA is misconceived and is accordingly dismissed. No costs.

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