

**Central Administrative Tribunal
Principal Bench**

OA No.4025/2014



New Delhi, this the 30th day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Amardeep, Age 23 years,
S/o Shri Ishwar Singh,
Vill. & PO Baoli,
Patti. Deshu, Teh, Baraut,
Baghpat (UP)-250621

(DOB: 6.7.1991)
(candidate to the post of Sub-Inspector (Exe.) in Delhi Police)

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Staff Selection Commission,
(Headquarters),
Through its Chairman,
Block No.12, CGO Complex,
Lodhi Road, New Delhi-3.
2. Commissioner of Police,
PHQ MSO Building,
IP Estate, New Delhi.

...Respondents

(By Advocate : Shri Amit Anand and Shri S.M. Arif)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The 1st respondent issued a notification in the year 2013, proposing to select candidates for appointment to the post of Sub Inspector in the Delhi Police through direct recruitment. The selection process involved conducting of two examinations at Tier-I and Tier-II levels; a Physical Endurance Test, followed by interview. Final results were declared in June, 2014 and the applicant secured 278.50 marks in the aggregate. The cut of marks for Unreserved candidates were 280.50. The applicant is an Unreserved candidate, and he was not selected.

2. The applicant contends that by filing an application under Right to Information Act, he procured the answer key to questions of Tier-II examination, held on 06.10.2013, and on verification, he found that answer key to questions No.13 and 144 is incorrect. He made a representation in this behalf and ultimately approached this Tribunal with a prayer to quash and set aside the reply dated 17.10.2014.



3. The 1st respondent informed the applicant that representation was examined by the experts and the final key prepared in evaluation was found to be correct. This OA is filed challenging the order dated 17.10.2014 and for a direction to the respondents to award him the correct marks and as a result thereof to appoint him on the post of Sub Inspector, with all consequential benefits. The applicant contends that for the two questions referred to above, the answers identified by the respondents were incorrect, whereas the answers given by him are correct. According to the applicant, had he been awarded two marks for those questions, he could have been within the range of selection.

4. On behalf of respondents No.1&2, separate counter affidavits are filed. It is stated that on receiving the application from the applicant, it was forwarded to the experts and after examination, they took a view that no error has crept in the answer key, to the questions, referred to above. It is also stated that the applicant cannot raise this issue, once the final results are declared.

5. We heard Shri Ajesh Luthra, learned counsel for applicant and Shri Amit Anand and Shri S.M. Arif, learned counsel for respondents.



6. The only ground raised by the applicant in the OA is that the answers to questions No.13 and 14 identified by the respondents are not correct. It is fairly well settled that the Tribunal or Court cannot sit as expert bodies in the matters of this nature. It is only when answers are found to be patently incorrect, that there existed hope to direct the respondents to examine it further. Another aspect is that the timing at which the objection is raised assumes significance. The verification of this nature must be done before the final results are declared. The exercise in this behalf cannot be undertaken after the results are declared. The correction of one answer may have its own impact. While in some cases, marks need to be added, they need to be deleted in other cases. Therefore, the result of all the candidates has to be revised.

7. Coming to the questions to which the applicant has raised objection read as under :-

“13. We have received/ a great deal/of complaints/No error

(A) (B) (C) (D)



144. Our teacher said to us, “Sugar dissolves in water”

(A) Our teacher told us that sugar dissolved in water

(B) Our teacher told us that sugar has dissolved in water

(C) Our teacher said to us that sugar dissolves in water

(D) Our teacher told us that sugar dissolves in water.”

8. The applicant contends that the question No.13 does not suffer from any infirmity and the correct answer is 'D'. According to the respondents, however, the expression 'great deal' is not appropriate and it should be 'good deal' and accordingly the incorrect option was 'B'. As regards question No.144, the applicant contends that what is 'said to us' in the direct speech needs to be transformed as 'told' in the indirect speech. We do not find any such rule of grammar. The sentence was such that except the inverted commas (") are removed, the words which are present before them, warrant no change.

9. At any rate, the respondents have already referred the representation to the experts, who in turn, have found that no such error has crept into the process. We cannot sit in an appeal for such findings.



10. We do not find any merit in the OA and the same is, accordingly, dismissed.

There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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