



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O No. 2055/2017

Reserved on: 14.01.2020
Pronounced on: 23 .01.2020

**Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Shilpi Verma,
Age about 39 years
Group-B –Post- Analyst,
C-405, Aditya Garden City,
Sector-VI, Vasudhara, Ghaziabad,
Uttar Pradesh-201012.

... Applicant

(By Advocate: Mr.Nilansh Gaur)

VERSUS

1. CBSE;
(Through its Secretary/Chairman),
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi-110092.
2. Yogesh Tanwar,
Group-B, Post, Analyst,
Working with Shiksha Kendra,
2, Community Centre, Preet Vihar
Delhi-110092
3. Thushara K,
Group-B, Post, Analyst,
Working with Shiksha Kendra,
2, Community Centre, Preet Vihar
Delhi-110092
4. Sudhir Kumar,
Group-B, Post, Analyst,
Working with Shiksha Kendra,
2, Community Centre, Preet Vihar
Delhi-110092



5. Mintu Khiri,
Group-B, Post, Analyst,
Working with Shiksha Kendra,
2, Community Centre, Preet Vihar
Delhi-110092

(Respondent No. 1 will serve the Notice to
all private Respondent Nos. 2 to 5). ... Respondents

(By Advocate: Mr. Anil Srivastava for official respondent,
Shri Shiv Kumar for R-2 and Mr. Jogy Scaria for
respondent No.3)

ORDER

Hon'ble Mr. S.N. Terdal, Member (J):

We have heard Mr. Nilansh Gaur, counsel for applicant and Mr. Anil Srivastava, Mr. Shiv Kumar and Mr. Jogy Scaria, counsel for respondents, perused the pleadings and documents produced by all the parties.

2. In this OA, the applicants have prayed for the following reliefs:

- "(a) Quash the Notice dated 13.02.2015 passed by the Respondent No.1;
- (b) Quash the Notice dated 02.03.2015, 17.11.2016 and 15.02.2017 passed by the Respondent No.1;
- (c) Quash the appointment of Respondent No. 2 & 3 for the post of Analyst by Respondent No.1;
- (d) Direct the Respondent No.1 to appoint the Applicant for the post of Analyst;
- (e) Pass any other or further order(s) as this Hon'ble Tribunal deem just and proper in the interest of justice."



3. The relevant facts of the case are that the applicant appeared in the written test conducted by the respondents for the post of Analyst and she has secured 64.5 out of 100 marks under OBC category and as per the method adopted by the respondents 70% weightage is given to the written test as such her percentage of marks towards written test was reduced to 45.15 and in interview she was given 06 marks and she was not selected.

4. The case of the applicant is that respondent No. 2 has secured only 43 marks out of 100 and therefore, 30.1% towards the 70% weightage for the written test whereas he was given 29 marks in the interview and respondent no. 3 who has secured only 61 marks out of 100 has been given 25 marks in the interview. The further case of the applicant is that the assessment in the interview was not indicated in the advertisement, but however changing the rules of the game in the middle, interview was introduced and marks obtained in the interview were taken into account and by giving less marks to her she was denied the appointment vis-à-vis the respondents.

5. The case of the respondents is that there is no change of rules in the middle of the game, as alleged by the applicant, the requirement of the interview was indicated in the advertisement itself and that 30 marks were earmarked for interview and the Selection Committee gave 70% weightage to the marks obtained in



the written test and further case of the respondents is that the Selection Committee is headed by the Secretary of Central Board of Secondary Education and consisted of representative of M/o MHRD and Director, ZIET, Gwalior and from the perusal of assessment of various candidates in the interview it is clear that some of candidates who secured 79 marks out of 100 in the written test could secure only two marks in the interview and some candidates who secured 72 marks out of 100 in the written test could secure only 5 marks in interview and the applicant having secured 64.15 marks in the written test could secure 06 marks in interview and that there are many instances where the candidates who secured less marks in the written test could fair well in interview.

6. We have perused the entire list produced as Annexure A-4 by the applicant and from the close scrutiny of the marks obtained by all the 53 candidates in the written test as well as in the interview, we are of the view that there is no unreasonableness or arbitrariness in giving marks in the interview nor is there discrimination meted out to the applicant. Though in Annexure A-4 list referred to above, the marks regarding interview component is described as 30% weightage, however, in the counter affidavit it is stated that the interview was for 30 marks and in view of the fact that the written test is given weightage of 70%, the marks obtained



in the interview have to be understood as marks given out of 30 marks.

7. In view of the facts and circumstances of the case given above, we are of the view that there is no illegality or arbitrariness or unreasonableness or discrimination in giving marks to various candidates including the applicant. As such there is no merit in the OA.

8. Accordingly, OA is dismissed. No order as to costs..

(Mohd. Jamshed)
Member (A)

(S.N.Terdal)
Member (J)

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