



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 573/2020

New Delhi this the 28th day of February, 2020

Hon'ble Mrs. Vijay Lakshmi, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Mr. Hansa Sharma,
S/o. Shrichand Sharma, aged about 31 yrs,
Presently posted as Nursing Orderly
(Group C), ESIC Hospital Okhla,
New Delhi.

R/o GD-75-G, Pul Pahaldpur,
New Delhi – 110 044.

...Applicant

(By Advocate : Mr. Somesh Chadra Jha with Mr. Shaiksh
Chandra Jha)

Versus

Employees' State Insurance Corporation
Of India, Through its Director General,
Having its office at Panchdeep Bhawan,
Comrade Indrajeet Gupta (CIG) Marg,
New Delhi – 110 002.

...Respondents

O R D E R (ORAL)

Hon'ble Ms. Aradhana Johri, Member (J)

The applicant Sh. Hansa Sharma appeared for the written examination held on 27th February, 2019 for recruitment of OT Assistant under ESIC in response to the recruitment notice dated 21.12.2018. As per rules, an opportunity was given to all the candidates vide notice dated 05.03.2019 to view answer keys marked by them and submit objections, if any, in the question paper or in



answer key. The applicant did not submit any objection at that stage. The result for the examination was declared on 26.06.2019 in which the applicant was not found successful. The listed candidates found place in the select list and were shortlisted for verification for Delhi NCR Region on the basis of performance in written online exam. Thereafter, the applicant submitted some representations in the month of July, 2019 in which he stated that answers for questions no. 28 and 30 were incorrect. Since by then the results had already been announced, he was informed by ESIC vide letter No.A-12/16/6/2017-Exam. Col.III dated 30.07.2019 that his request for reviewing the answer key cannot be considered.

2. Aggrieved by this letter the applicant has filed this O.A. It is seen that due opportunity was given to the applicant along with all others, at each stage, to file objections to any wrong questions/answer keys. He did not file any objection at that stage. Thereafter, the results were announced. It is only after he was declared unsuccessful that he came up with the representation. It is settled law that once a candidate is declared unsuccessful, he cannot challenge the selection process. Furthermore, rights of other parties have accrued and



any interference at this stage may have the effect of overturning the entire list, and affecting rights of other candidates, who are not parties in this case. It is noticed that other than ESIC no other candidate or person has been made party to this O.A.

3. Accordingly, this O.A is dismissed. No order as to costs.

(Aradhana Johri)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

/Mbt/