

Central Administrative Tribunal: Principal Bench

OA No. 1226/95

&

OA No. 1153/95

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New Delhi, this the 24th day of July, 1996.

Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)  
Hon'ble Shri K. Muthukumar, Member (A)

OA No. 1226/95

Bablu Dhama s/o Sh. Inder Pal Singh,  
c/o Shri Rajender Singh,  
House No. 16-C, Police Colony,  
Gohana Road, Sonapat (Hr.)  
(By Shri Jasbir Malik, Advocate)

...Applicant

-Versus-

1. Chairman,  
Staff Selection Commission,  
CGO Complex, Lodhi Road,  
New Delhi.
2. Secretary,  
Staff Selection Commission,  
CGO Complex, Lodi Road,  
New Delhi.
3. Secretary (Govt. of India),  
Ministry of Personnel, Public  
Grievances and Pensions, Block No. 12,  
Kendriya Karyalaya Parisar,  
Lodhi Road, New Delhi.  
(By Ms Protima K. Gupta, Advocate) ...Respondents

OA No. 1153/95

Shri Sunil Kumar s/o Sh. Soran Singh,  
R/o Town Fulawada, P.O. Fulawada,  
Distt. Meerut (UP). ....Applicant  
(By Shri Harbir Singh, Advocate)

-Versus-

Union of India

1. Ministry of Personnel, Public  
Grievances and Pensions,  
North Block-I,  
New Delhi.
2. Staff Selection Commission through  
the Secretary,  
S.S.C., Block No. 12,  
Kendriya Vidyalaya Parisar,  
Lodhi Road,  
New Delhi. ..Respondents  
(Ms Protima K. Gupta, Advocate)

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ORDER (Oral)

By Hon'ble Shri A.V. Haridasan, Vice-Chairman(J) -

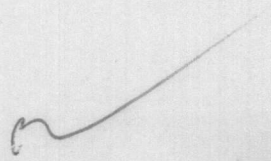
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Since, the aforesaid two O.As involve similar question of facts and law, therefore, these applications are being heard and disposed of by a common order. Though the matter is at the admission stage, yet as the issue involved being very simple and needs adjudication at the earliest, we considered it necessary to dispose of these applications at this stage itself.

2. The facts necessary to understand the issues involved are as follows. Each applicant in these two OAs was awarded 'ZERO' marks in an examination held in the year 1993 for selection to the appointment to the post of Inspector of Income Tax and Central Excise etc. In the instructions to the candidates, the following condition was inter-alia mentioned.

"(v) Candidates should note that answer sheets not bearing candidate's Roll No., Token No., Signature and Test Form Number will not be evaluated and such candidates would be awarded 'ZERO' marks."

3. In the case of the applicant in OA No. 1226/95, he failed to put his signature in the answer book and in case of the applicant in OA No. 1153/95, he instead of putting correct Test Form Number given in the question booklet, a different number was written. For these reasons the answer books of the applicants were not evaluated and they were awarded zero marks, with the result, their names did not figure in the select list. Aggrieved by that, both the applicants made





representations to which they were told by the respondents that in case of the applicant in OA no. 1226/95, he was given zero marks as he did not put his signature on the answer sheet and in case of the applicant in OA No. 1153/95 he was also given zero marks as he had given a fictitious Test Form number in the answer sheet.. Therefore, the applicants have filed these two applications with the identical prayers that the answer sheets of the applicants may be called for and the respondents may be directed to evaluate the paper and declare their results.

4. These applications are opposed by the respondents who have filed <sup>replies.</sup> It has been contended in the reply that the answer sheets of these two applicants were not evaluated and they were given zero marks as in accordance with the instructions contained in booklets supplied to the candidates alongwith admission card, as the applicant in first case failed to put his signature and in the second case the Test Form number given was fictitious.

5. We have heard Shri Jasbir Malik, counsel for the applicant in OA No. 1226/95; Shri Harbir Singh, counsel for the applicant in OA No. 1153/95 and Ms. Pratima K. Gupta, counsel for the respondents in both the cases.

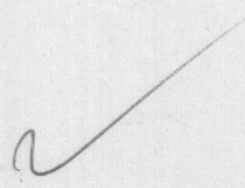
6. The facts that the applicant in OA No. 1226/95 had failed to put his signature in the answer book and that the applicant in OA no. 1153/95 did not give the correct Test Form number in the answer book are not disputed. The instruction no. (v) contained in booklets

supplied to the candidates appearing for the examination, alongwith admission cards, clearly stipulate that the answer sheets of those candidates who failed to put their signatures, name and correct test form number, will not be evaluated and they would be given zero marks. The applicants who should be graduate and were given the booklets much in advance of the date on which they appeared for the examination, should have carefully gone through the instructions and understood the contents thereof. If they failed to put their signature or to give correct test form number etc., their answer sheets could not be evaluated and they would be given zero marks and that is what had happened in case of these applicants.

7. Learned counsel for the applicants argued that inadvertently not putting signature or giving wrong test form number should not be a ground to deprive the candidates of the marks to which they would be otherwise entitled on the basis of their performance in the examination and that not giving the applicants any mark is against the principles of natural justice and is also against the dictum of the rulings of the Hon'ble Supreme Court in Binapani's case. Hon'ble Supreme Court in Binapani's case, has only stated that administrative orders also should contain the reasons. In reply to the representations given to the applicants, the reasons for assigning them zero mark have been clearly written. So, the answer given by the respondents that zero marks were given to the applicants for their failure to comply with the instructions satisfies the requirement of the principal of natural justice.



8. Learned counsel for the applicants relied on a ruling of Karnataka State Administrative Tribunal in batch of cases titled B.M.Bijaya Shanker vs. State of Karnataka Public Service Commission. We have gone through the said judgement, a copy of which was made available for our perusal, in which it was held by the Tribunal that the State Public Service Commission was not entitled to cancel the candidature of the applicant for the reasons that they disobeyed the directions/instructions of the invigilators. Here the facts of these two cases are entirely different from the facts of the case cited by the learned counsel for the applicant. Therefore, the ratio of that case has no application in these cases. Learned counsel also brought our notice to the instructions contained in answer sheet which reads that invigilator is required to verify the Roll no., Test Form No., Candidate's name etc. written by the candidate in the answer sheet. Learned counsel further argued that since the invigilator also failed to perform his part of duties, it is not proper to throw whole of the blame on the applicants and deprive them of the results of their examination. If invigilator seems to have failed to comply with the instructions, it is for the concerned authority to take action against him. As far as the applicants are concerned, admittedly, they have failed to put signature on the answer sheet and to give correct test form number. Therefore, awarding of zero marks to them does not call for any interference by this Tribunal.

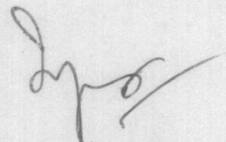


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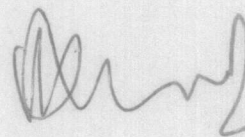
9. Lastly, the learned counsel for the applicants argued that the instruction which says that the answer sheets of candidates, who fail to put signature and write the correct test form number, would not be evaluated and they would be awarded zero marks is illegal, arbitrary, unreasonable and is liable to be struck down. First of all, there is no such prayer for striking down such instructions in the application & secondly we do not consider that these conditions are arbitrary or unreasonable.

10. On going through the pleadings and materials on record and hearing arguments advanced by the counsel on either side, we do not find any infirmity in the orders of the respondents and we are satisfied that no judicial interference is required in these cases. Therefore, both these applications fail and they are dismissed leaving the parties to bear their own costs.

11. A copy of this order shall be kept in both the case files.



(K.Muthukumar)  
Member (A)



(A.V. Haridasan)  
Vice-Chairman(J)

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