

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
OA 455/2000

(6)

New Delhi this the 31st day of March, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Smt. Shanta Shastray, Member (A)

1. Sudhir Kumar
S/O Sh. Husan Singh
301, Police Colony,
Ashok Vihar, Delhi-52
2. Rajesh Sharma
S/O Krishan Sharma
82, Police Colony,
Ashok Vihar, Delhi-52
3. Sanjeev Kumar
S/O Chetan Pal
147, Police Colony,
Ashok Vihar, Delhi-52
4. Nitin Kumar Sharma
S/O Vijay Kumar Sharma
137, Police Colony,
Ashok Vihar, Delhi-52
5. Praveen Kumar,
S/O Kundan Singh
94, Police Colony,
Ashok Vihar, Delhi-52
6. Dinesh Singh Rawat
S/O Narender Singh Rawat
104, Police Colony,
Ashok Vihar, Delhi-52
7. Anil Yadav
S/O Jai Singh
100 Police Colony,
Ashok Vihar, Delhi-52

.. Applicants

(Applicant 1 present in person)

Versus

1. The Commissioner of Police,
Delhi Police Headquarters,
MSO Building, I.P.Estate,
New Delhi.

.. Respondents

(DRs. S/Sh. Sewa Dass, Addl. CP
alongwith Sh. B.S. Kalra, ACP)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

We have heard applicant 1-Sh. Sudhir Kumar, who has been assisted by Shri M.K. Bhardwaj, learned counsel, who is present in Court as ~~the~~ applicant No.1 has appeared in person. Applicant was asked whether he would like to

file rejoinder to the reply filed by the respondents dated 27.3.2000. He has submitted after due deliberations that he does not want to file rejoinder but has made his oral submissions in the OA.

2. The applicant presses for interim relief. In Tribunal's order dated 23.3.2000 it was held, inter alia, that having regard to the controversy raised, it was necessary to examine the feasibility of holding the aforesaid test on 2.4.2000 only for the candidates who were unable to appear on 27.2.2000 by giving certain directions as mentioned in the order.

3. Shri Sewa Dass, Additional Commissioner of Police(DR) had submitted on the last date of hearing i.e. 27.3.2000 that the letters dated 15.3.2000 and 13.1.2000 have already been handed over to the applicant No.1. Letter dated 15.3.2000 has been addressed by the Additional Commissioner of Police to the Director, Centre for Policy Research, Dharma Marg, Chanakyapuri, New Delhi on the subject of setting of paper and computerised evaluation of answer sheets for the recruitment of Constables (Ex.) in Delhi Police. The respondents have submitted that for the test held on 27.2.2000 for recruitment to the post of Constables(Ex.) in Delhi Police, the test paper was set up by same authority and they would also be evaluating the answer sheets of the candidates who had appeared for the test held on 27.2.2000. The respondents in their reply filed on 27.3.2000, have also given the detailed reasons as to why a decision has been taken to allow 2132 candidates who were unable to be present on 27.2.2000, who are otherwise eligible, to appear in the test which is scheduled to be held on 2.4.2000. Having perused these reasons, we are unable to come to the conclusion that the action of the respondents is either unreasonable or arbitrary to justify any interference in the matter at this stage.

4. By the Tribunal's order dated 23.3.2000, the problems regarding the very same paper setter who had set the paper for recruitment on 27.2.2000 and evaluation of the papers by the same

examiner for the candidates in the subsequent scheduled date i.e. 2.4.2000 has been addressed. The relevant portion of the letter dated 15.3.2000 addressed by the respondents to the Paper Setter, ^{ie the} Centre for Policy Research, ^{which} reads as follows:-

" The content and standard of the question paper which you will prepare should be equivalent to one which was set for the written test of Consts. held on 27.2.2000. The number of candidates now appearing in the written test are those who had due to some reasons could not appear in the written test on 27.2.2000. Therefore, in terms of quality and content, it has to be of equivalent standards to the question paper set for written test held on 27.2.2000."

5. It is clear from the aforesaid letter that the respondents have taken necessary steps to have the papers prepared for written test of Constables which is to be held on 2.4.2000 by the same paper setter who had set the examination paper for the candidates on 27.2.2000. Shri Sewa Dass, Addl.CP who is present in Court, has also stated that the papers of equivalent standards by the same examiner would be ensured in respect of ^{the} candidates who had appeared in the written test for recruitment as Constables on 27.2.2000 and those who will be appearing on 2.4.2000.

6. In the facts and circumstances of the case, we do not see any good grounds to restrain the respondents from conducting the written test schedule to be held on 2.4.2000 for recruitment to the post of Constables (Ex.) for the remaining candidates who were otherwise qualified but could not appear on 27.2.2000. We do not also find sufficient grounds to cancellation ^{direct} ^{of} the written test already held for the candidates who had appeared for the test on 27.2.2000.

7. The applicant has also prayed that respondents may be restrained from publishing the results of the test for the written test held on 27.2.2000. The departmental representative has submitted that this will be done only after the test is also held on 2.4.2000. Therefore, the prayer to restrain the

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respondents from publishing the results of the test held on 27.2.2000 is rejected. However, this may be done in due course after the test is held on 2.4.2000 in accordance with the relevant rules and procedure.

8. In paragraph 8(i) of the OA the applicant has prayed for cancellation of the written test for the post of Constables (Executive) which was held on 27.2.2000. For the reasons given above, we do not find any sufficient grounds to cancel the test which has already been held for the candidates on 27.2.2000 by the respondents. The second prayer in paragraph 8 of the OA is that a direction may be given to the respondents to conduct a fresh written test for the post of Constables (Ex.) for all the candidates, instead of for only some candidates. In view of what has been stated above this direction is also not tenable and does not lie.

9. In the result in view of what has been stated above, nothing further survives in the OA and the same is accordingly disposed of as having become infructuous. No order as to costs.

10. Let a copy of this order be issued to both the parties immediately.

Shanta Shastri
(Smt. Shanta Shastri)

Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member (J)

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