

**Central Administrative Tribunal
Principal Bench, New Delhi**



O.A. No.2401/2017

Today, this the 3rd day of December, 2020

Through video conferencing

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

Ishwar Kaur, age 28 years, Group B,
D/o Avtar Singh,
13/1-A, Second Floor,
Park Facing,
Tilak Nagar,
New Delhi – 110018.

...Applicant

(By Advocate: Mr. Harpreet Singh)

Versus

1. Delhi Subordinate Services
Selection Board,
Through its Secretary,
FC-18, Institutional Area,
Karkardooma, Delhi 110032.

2. Government of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi.

...Respondents

(By Adocate: Ms. Sumedha Sharma)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy, Chairman :

The Delhi Subordinate Services Selection Board (DSSSB) issued notice on 27.01.2014, proposing to select the candidates for various posts, including the one of TGT (Computer Science) with Post Code 192/14. The applicant was one of the candidates in OBC category. The written test was held on 21.05.2017 and the results were declared on 13.07.2017. The applicant secured 68 marks. The last candidate selected under the OBC category was the one who got 68.6 marks.

2. The DSSSB published an answer key on 07.06.2017 inviting objections. The applicant submitted her representation within the stipulated time, stating that the answers to the six questions, as mentioned in the key, i.e. Nos. 92, 94, 102, 117, 176 and 183 are not correct. When she did not hear anything from the respondents, she filed the present OA with a prayer to quash notice dated 13.07.2017 which indicated the panel of selection. She has also prayed for a direction to the



respondents to evaluate the marks after correcting the key.

3. The applicant contends that she consulted various experts with reference to the key published by the respondents and taking into account, the views expressed by the experts, she made a representation to the respondents, but they did not take any steps whatever. She submits that through an Application filed under Right to Information Act, 2005 she secured information to the effect that answers to one of the questions, as indicated by her was corrected by the respondents, but despite that there was no change in the marks or the corresponding result.

4. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the selection process is complete and nothing can be done at this stage. The respondents further contend that the objections received from the applicant to various questions are untenable.

5. We heard Shri Harpreet Singh, learned counsel for applicant and Ms. Sumedha Sharma, learned counsel for respondents.



6. The subject matter of the OA is the selection of the posts for which the selection took place in the year 2017. Normally, a draft key is published before the declaration of result. In the instant case, the result was declared on 07.06.2017 and the objections were invited on the same day. This is something extraordinary. Once the results are declared, any amount of correction would lead to a chaotic situation. Be that as it may, the applicant submitted her objections in respect of six questions. Normally, the respondents publish a notification in relation to every such objection. In the instant case, however, this step was not taken.

7. The very purpose of inviting objections was to examine the same. The record does not disclose that the representation submitted by the applicant was examined. One difficulty, we find in this case, is that the selection has already taken place. The exercise, if at all, would be only in respect of one post which was directed to be kept vacant. In view of the judgment of the Hon'ble Supreme Court in **Rishal and Others Vs. Rajasthan Public Service Commission & Ors.** Civil Appeal No.4695-4699



of 2018 dated 03.05.2018, the only course open to us would be to direct the respondents to examine the objections raised by the applicant, in respect to certain answers and then to select a candidate otherwise eligible, vis-à-vis left over seat even while the appointments, already made, would remain intact. In fact, during the course of the arguments, the learned counsel for the applicant has confined the challenge only in respect of questions No.102 and 183.

8. We, therefore, dispose of the OA, directing

(a) the respondents shall verify the objections raised by the applicant with reference to the question Nos.102 and 183,

(b) depending upon the view, that may be expressed by the experts, the respondents shall pass an order whether or not they propose to undertake any review of the results,

(c) if it becomes necessary to review the results, the process shall be confined only to the unselected candidates and the most meritorious among the OBC



candidates shall be offered appointment against the available vacancy, provided, he secures 68.6 or more marks.

9. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. A copy of the result shall be forwarded to the applicant. Pending MAs, if any, shall stand disposed of. There shall be no order as to costs.

There shall be no orders as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/jyoti/rk/sd