



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

**O.A. No.2532/2019
M.A. No. 1949/2020**

This the 19th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd.Jamshed, Member (A)**

Manish, Age 20 years
Group-C, Post : LDC
S/o Sunil Kumar
VPO-GarhiRuthal, Tehsil-Ateli
Mahendragarh, Haryana-123021.

.. Applicant

(Through Mr. Sachin Chauhan, Advocate)

Versus

1. Staff Selection Commission
Through its Chairman
Staff Selection Commission
Block No.12, CGO Complex
Lodhi Road, New Delhi.
2. The Regional Director (NR)
Govt. of India
Staff Selection Commission
Block No.12, CGO Complex
Lodhi Road, New Delhi-3.
3. The Comptroller & Auditor General of India
9, DeenDayalUpadhyayaMarg
New Delhi.

.. Respondents

(Through Mr. K.M. Singh, Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant took part in the Combined Higher Secondary Level (CHSL) Examination, 2017 held by the Staff Selection Commission (SSC). In the application form, against the column of medium of language in which he intends to take the typewriting examination, he wrote 'Hindi'. He was successful in Tier-I and Tier-II Examinations. When the admit card was issued indicating the medium as Hindi, he made a representation stating that he mentioned Hindi inadvertently and he intends to take the examination only in English. When that was not acceded to, he filed this OA seeking a direction to the respondents to permit him to take the typewriting examination in English and claiming other ancillary benefits. He contends that the mistake committed by him was inadvertent and no prejudice would be caused to the respondents, if he is permitted to take the examination in English. An interim order was also passed.

2. Respondents filed a detailed counter affidavit. It is stated that mentioning of the language is one of the most important aspects in filling up of the application form and it is on the basis of information so provided, that all

arrangements are made. Various contentions urged by the applicant are contradicted.

3. We heard Mr. Sachin Chauhan, learned counsel for the applicant and Mr. K. M. Singh, learned counsel for the respondents.



4. As observed earlier, the applicant indicated 'Hindi' as the medium in which he intends to take the skill test. Tier-I of the examination is of multiple choice and there would not be any occasion to use the written words in English or Hindi. The applicant took Tier-2 examination in Hindi. When the admit card for the skill test was issued indicating the medium of skill test as Hindi, he made a representation. Naturally, the respondents did not accede to his request.

5. This very issue fell for consideration before the Hon'ble High Court of Delhi in **Parvesh Vs. UOI &Anr.**, Writ Petition (C) No. 9312/2019. After dealing with the various aspects and referring to the judgment of the Hon'ble Supreme Court in **The State Of Tamil Nadu vs. G. Hemalathaa**, CA No. 6669/2019, the Hon'ble High Court dismissed the Writ Petition. The observation of the Hon'ble Supreme Court reads as under:-

“7. We have given our anxious consideration to the submissions made by the learned Senior Counsel for the Respondent. The Instructions issued by the

Commission are mandatory, having the force of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the Instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the Instructions issued by the Commission.

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9. In spite of the finding that there was no adherence to the instructions, the High Court granted the relief, ignoring the mandatory nature of the instructions. It cannot be said that such exercise of discretion should be affirmed by us, especially when such direction is in the teeth of the instructions which are binding on the candidates taking the examination"

6. The case in hand is squarely covered by the judgment referred to above. Learned counsel for the applicant submits that the SSC has taken a policy decision to exonerate some candidates, who are alleged to have resorted to malpractices. In case, the decision is taken to extend the benefit in the matters of this nature also, it is open to the applicant to make a representation and the Commission, in turn, shall pass appropriate orders within four weeks from the date of receipt of such a representation.

7. We do not find any merit in the O.A. and the same is accordingly dismissed, but with the observation, as above. There shall be no order as to costs.

(Mohd.Jamshed)
Member (A)
/jyoti/vb/ankit/sd

(Justice L. Narasimha Reddy)
Chairman