

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

Original Application.No. 100/ 834/2020

This the 19th day of August, 2020

**THE HON'BLE MR. JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MOHD.JAMSHED, ADMINISTRATIVE MEMBER**

Rohit Dabas,
Aged about 25 years,
S/o Sh. Satyabir,
R/o V.P.O. Galib Pur, New Delhi – 110073. ... Applicant

(By Advocate : Mr.Anuj Agarwal)

Vs.

1. Govt.of NCT of Delhi,
Through its Chief Secretary,
Secretariat, I.P.Estate,
New Delhi – 110002
Email : csdelhi@nic.in
2. Delhi Subordinate Services Selection Board (DSSSB)
Through its Chairman,
Govt. of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi – 110092.
Email:dsssb-secy@nic.in ... Respondents

(By Advocate : Ms.Esha Mazumdar)

ORAL ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The 1st respondent intended to fill the post of Warder (Male). The selection process was entrusted to the Delhi Subordinate Services Selection Board (DSSSB) 2nd respondent. An advertisement was issued on 24.10.2017 and the code for this post was 86/2017. A written test was conducted for this purpose. The applicant responded to the advertisement and participated in the examination also. He was awarded 84 marks and he belongs to OBC category. The last selected candidate from the OBC was the one who has secured 94 marks.

2. The applicant contends that he expected 110 marks and with a view to satisfy himself about the accuracy of the evaluation, he filed an applicant under Right To Information Act, with a request to furnish him, the answer script. That was rejected by the concerned authority. An appeal preferred by him was also rejected. Thereafter he filed this OA with a prayer to direct the respondents to supply him, the copy of the answer sheets with complete status of questions/answers attempted by him in the examination and to consider him for the post.

3. The applicant contends that the law confers a right upon him, to know the method of valuation of the answer scripts and that there was absolutely no basis for the respondents in not furnishing the same. Reliance is placed upon the judgement of this Tribunal in ***Roopesh Kumarman and others Vs. Union of India decided on 01.05.2015.***

4. Respondents on the other hand submit that the evaluation is done by the computers and there is no human element whatever. It is stated that the revaluation of online examination of the unsuccessful candidates would lead to several complications. They relied upon the judgement of the Supreme Court in ***UPSC Vs. Agnesh Kumar and others 2011 (8) SCC 497 dated 20.02.2018.***

5. We heard Mr. Anuj Agarwal, learned counsel for the applicant and Ms. Esha Majumdar, learned standing counsel for the respondents.

6. The second respondent conducts examinations for selection of candidates for various posts. Thousands, if not, Lakhs of candidates appear for the examination and obviously with a view to ensure accuracy, the online mechanism is adopted. Hardly there exists any human intervention. The

candidates are furnished with the OMR sheets with multiple choices and the choice is required to be marked with a particular instrument. The evaluation is done by the computer and marks are awarded.

7. The applicant states that he expected 110 marks, whereas he was awarded only 84 marks. The application filed under RTI Act was rejected and the appeal filed against him was also not entertained.

8. Reliance is placed upon by the applicant by an order of this Tribunal dated in OA. The relevant portion thereof reads as under :

“We have considered the aforesaid submissions. We agree with the applicants that in view of the several judgements cited by them, they had a right to get answer key as well as a copy of their OMR sheets. However, we also appreciate the administrative difficulty of the respondents in supplying OMR sheets to all the examinees running into several lacks. Nevertheless, we find that the applicants were those who had qualified the written examination and were called for PET. The number of such candidates was only three times the number of vacancies. Such persons being in the cut off for PET must have only narrowly missed the final selection. As such, in their cases, it was important for them to be satisfied that they have been correctly assessed but could not make it to the merit list. The respondents also should not have any difficulty in supplying OMR sheets to such candidates, as such candidates would be limited in number.”

9. From this it is evident that the Tribunal did not lay a general principle for providing answer sheets of online examination. It is only the computer or the system that takes the signal and it would not be available for subsequent verification at all. The relief was confined to a small segment, namely the candidates who are shortlisted. This was before the Hon'ble Supreme Court decided the issue in **UPSC Vs. Agnesh Kumar**. Their Lordships categorically held that hazardous situations will emerge in case applications for revaluation are entertained. It was observed that efficiency of selection process would be effected due to that.

10. We do not find any factual or legal basis to entertain the OA and accordingly the same is dismissed accordingly.

(MOHD.JAMSHED)
MEMBER (ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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