

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

O.A. No. 176/2021

Wednesday, this the 27th day of January, 2021

(Through Video Conferencing)

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



Kapil Kumar
S/o Ramkaran
R/o Village & Post Babri
Tehsil & Distt. Shamli
Uttar Pradesh 251305.

... Applicant

(through Sh. Navjot Kumar, Advocate)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB)
Through its Chairman
Govt. of NCT of Delhi
FC-18, Institutional Area, Karkardooma
Delhi.

2. Govt. of NCT of Delhi
(Social Welfare Department of Govt. of NCT of Delhi)
Through Chief Secretary
Delhi Secretariat, IP Estate
Delhi.

.. Respondents

(Through Ms. Esha Mazumdar, Advocate)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:-

The Delhi Subordinate Services Selection Board (DSSSB) published a Vacancy Notice dated 29.01.2019 inviting applications for the post of Welfare Officer/Probation Officer under the Social Welfare Department, Government of NCT of Delhi, with Post Code No.14/2019. The applicant was one of the candidates. A test through OMR sheet process was held on



24.11.2019. Thereafter, the Rejection Notice was issued on 23.01.2020. It was mentioned that 28 candidates, whose roll numbers were furnished in the Notice, did not fill the OMR sheet properly, and on account of that, the computer did not accept the same and, thereby, their papers were not evaluated. The applicant made representation in this behalf, after obtaining the copy of the OMR sheet answered by him. It emerged that the applicant did not darken the circles, referable to the first two letters of his roll number.

2. The applicant contends that the lapse on his part was very minor in nature and in similar cases, the Hon'ble High Court of Punjab & Haryana and High Court of Rajasthan held that minor mistakes can be ignored and the candidature can be considered. He further submits that no serious prejudice would be caused to the respondents, in case the paper is evaluated.

3. We heard Sh. Navjot Kumar, learned counsel for applicant and Ms. Esha Mazumdar, learned counsel for respondents, at the stage of admission, at length.

4. The impugned Notice referred to the instructions issued to the candidates and mentioned that 28 candidates, mentioned therein, did not follow the instructions, and thereby, the automated system did not read their roll numbers. The relevant paragraph reads as under:

“It is informed that the Board has been following the automated system of reading Roll No. etc. on



OMR sheet through scanner without any manual intervention. Further, the automated system/scanner did not identify the Roll number on OMR answer sheet(s) in respect of following 28 (Twenty Eight) candidates who appeared in the Tier-I examination held on 24/11/2019 for the post of Welfare Officer/Probation Officer/Prison Welfare Officer in Social Welfare Department under Post Code 14/19 due to wrong bubbling of roll number in OMR answer sheet by these candidates having following booklet number/Bar Code No. Hence, their question booklet/OMR Answer sheets could not be evaluated.”

5. The applicant procured a copy of his OMR sheet and made it a part of record. A perusal of the same discloses that though the roll number is in 10 digits, he has darkened the relevant circles only against 8 digits and he left the 2 initial digits, namely 4 and 5, unfilled. It is not a Hall Ticket or any other entry pass. It is an answer script for the examination, by itself. A candidate is required to darken the columns in respect of as many as 300 questions.
6. The entire evaluation of the answer script is done only by the computers and there is no human intervention at all. The result is that the computer did not accept the OMR sheet of the applicant and there was no evaluation thereof. There is no other way, that paper can be evaluated, at this stage. The reason is that the two left over blanks cannot be darkened, at this stage and the system has its own programming.
7. It is true that the Hon'ble High Court of Rajasthan and High Court of Punjab & Haryana held that minor omissions on the part of the candidates should not result in rejection of their candidature. Those were the cases, in which the evaluation of

the answer scripts has already taken place and the marks were awarded, but the candidature was not considered, on account of some minor mistake. In the instant case, the answer script of the applicant was not evaluated at all, and the process of selection has been completed.

8. Dealing with similar situation in O.A. No. 2949/2019, this Tribunal observed as under:

“4. There is no dispute that the applicant took part in the written test held on 08.09.2018 with Roll No. 2660016672. Since, the question paper is in OMR sheet the evaluation is done by computer. In the first page of the OMR sheet, the candidates are required to not only write their Roll Number but also to bubble i.e. round off the circles underneath each of the numbers. The applicant rounded off the circle for all the numbers, but committed a mistake as regards the last number. She has round off circle for Number ‘1’, instead of the one for ‘2’. Obviously, this was the Roll Number of another candidate. The result is that either her paper was not evaluated or the evaluation was of Roll No. 2660016671 instead of 2660016672. The mistake, if at all, was on the part of the applicant and the same cannot be helped at all.

5. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.”

9. Since the same situation obtains in this case also, we do not find any merit in the O.A. and the same is accordingly dismissed.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/sunil/jyoti/ns/