

(Reserved on 20.01.2021)

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD.**

Allahabad this Friday, the 29<sup>th</sup> day of January, 2021

**Original Application No. 330/01133/2014**

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)**  
**Hon'ble Mr. Devendra Chaudhry, Member (A)**

Jitendra Kumar Saraswat son of Shyam Bihari, Resident of Village-Pavesara, Post-Gudera, District – Mathura.

. . . Applicant

By Advocate : Shri Dharmendra Tiwari

**V E R S U S**

1. Union of India through its Secretary, Ministry of Personnel & Training, New Delhi.
2. Staff Selection Commission, Central Region, 21-23, Louther road, Allahabad, U.P. through its Director.

. . . Respondents

By Advocate : Shri Ravi Prakash Singh

**O R D E R**

**By Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)**

We have heard Shri Dharmendra Tiwari, learned counsel for the applicant and Shri Ravi Prakash Singh, learned counsel for the respondents and have carefully gone through the record.

2. Learned counsel for the respondents have consented that the short counter reply filed in this case may be treated as the detailed and regular counter reply of the respondents and the matter can be heard finally.

3. Shorn of unnecessary details, the brief facts of the case are that the Staff Selection Commission published an advertisement for Combined Higher Secondary Level examination 2013, for assessing typing and data entry skills, for recruitment to the posts of Data Entry Operator and Lower Division Clerk, both of which are civil posts under the Union of India. The applicant applied and appeared in the said examination. The result of the written examination was declared on 16.04.2014. However, the name of the applicant did not find place in the list of successful candidates. Being aggrieved by his non selection in the written test, the applicant filed Writ Petition No.39967/2014, which was dismissed on the ground of jurisdiction with liberty to the applicant to approach the Central Administrative Tribunal. Hence this OA.

4. In the OA, the applicant has stated that he was informed vide letter dated 30.06.2014 that the result of the examination was available on the website of Staff Selection Commission. When the applicant downloaded the result, he was shocked to see that he has been given zero marks, despite the fact that he had performed very well in the examination and after tallying the question answers, he was very hopeful to secure good marks.

5. The grievance of the applicant is that he was given zero marks only on the ground that he had failed to fill his Ticket form number on the answer sheet.

6. On the aforesaid ground, it has been prayed by the applicant that the respondents be directed to produce his answer sheet and

to evaluate it giving him correct marks as secured by him and to provide all the consequential benefits, within a stipulated time.

7. In the counter reply, the respondents have stated that zero marks, in the written part of the examination have been awarded to the applicant, due to his failure to fill the Ticket Number in the OMR answer sheet. Learned counsel for the respondents has contended that the OMR sheets are evaluated with the help of scanning machine/computer and without filling correct coding of the details such as Roll No., Ticket No., Name, Test Form Number (the series of question booklet) etc., the scanning machine/computer is not able to recognize the specific answer sheet and thus it is unable to evaluate the answer sheet. If any of the columns required to be filled up on the OMR answer sheet, is not filled by a candidate or has not been coded-marked appropriately and properly in the space provided for the purpose in the OMR sheet, the machine cannot evaluate the paper as it is designed to function on the basis of some specific logistics.

8. It is further contended that a clear direction to the candidates was given in the OMR answer sheet that if essential information is not provided in the OMR sheet in the space provided for the purpose, 'Zero Marks' will be awarded to the candidates. All the candidates were expected to comply with the direction given in the OMR answer sheets. The applicant even after the clear instructions, was not cautious enough to fill his particulars and failed to fill the Ticket form number correctly on the front page of OMR answer sheet. As a result the machine failed to recognize the

series of Question Booklet in respect of which answer sheet was to be evaluated and he was awarded zero marks. In support of his contention, the learned counsel for the respondents has drawn our attention to Annexure-SCA-1 to the short counter reply, which is the copy of front page of OMR answer sheet, clearly showing that the applicant has not coded the Test Form Number correctly in the given space. It is contended that if the applicant has failed to do so, he himself is responsible for his carelessness and the respondents are not at fault in any manner.

9. It is further contended that lakhs of candidates had appeared in the examination. Hence, it is not practically possible to give opportunity to any candidate to rectify the error by filling the OMR answer sheet once again and conferring any relaxation in this regard to a candidate, will result in injustice to all those candidates who have been awarded zero marks for similar mistakes.

10. The applicant has filed rejoinder affidavit. However, during the arguments, learned counsel for the applicant could not explain the overwriting in the column of Ticket Number of his OMR sheet, copy of which has been filed by learned counsel for the respondents as Annexure-SCA-1, with the Supplementary Counter Affidavit.

11. Heard learned counsel for the parties and perused the pleadings available on record.

12. Learned counsel for the respondents has filed copies of several judgments rendered in the similar matters by the Hon'ble Allahabad High Court and also by this Tribunal as Annexure-SCA-2, 3, 4 and 5. The Hon'ble Allahabad High Court in Writ Petition No.2903/2014 decided on 18.02.2014, under almost similar circumstances, has observed as under :-

***"In view of the fact that the petitioner had not followed the instructions mentioned on the OMR sheet and failed to mention his roll number in the OMR sheet, I do not find any error in the decision of the respondents in not declaring the result of the Petitioner."***

13. This Tribunal also vide order dated 17.03.2010 passed in OA No.128/2010 has held that ***"In the instant case also the applicant failed to follow the instructions and as such we hardly find any jurisdiction for interference in the matter. Accordingly, the Original Application is dismissed as having without any merit."***

14. Considering the facts and circumstances of the case and in the wake of judgments filed by learned counsel for the respondents, we are of the view that the OA is meritless and it is liable to be dismissed. Accordingly, the OA is dismissed. No order as to costs.

**(Devendra Chaudhry)**  
Member(A)

**(Justice Vijay Lakshmi)**  
Member (J)

/RKM/