

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O. A. NO. 198/92

DECIDED ON : 6.1.1992

Smt. Anita Sharma

... Applicant

Vs.

Delhi Administration & Anr.

... Respondents

COURT : THE HON'BLE MR. P. C. JAIN, MEMBER (A)

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

Shri K. N. R. Pillai, Counsel for Applicant

Shri Ashok Gupta, Assistant, Departmental Representative on behalf of Respondents.

JUDGMENT (ORAL)

Hon'ble Shri P. C. Jain, Member (A) :-

The admitted facts in this case are that the Delhi Administration had advertised posts of Assistant Teachers, Trained Graduate Teachers, and Post Graduate Teachers in the Navbharat Times, New Delhi, dated 9.7.1990 and that the applicant applied for one of the posts of Trained Graduate Teachers, her subject being Social Science. She appeared in the examination. The result notified in the newspaper as at Annexure A-III to the OA includes her roll number in the results of the examination. By a communication as at Annexure A-IV she was informed that she had provisionally qualified the written test and was advised to contact on 5.8.1991 for verification of the original certificates/documents along with duly attested photocopies of each. However, ultimately she did not get the offer of appointment. Hence, this OA under section 19 of the Administrative Tribunals Act, 1985 with the prayer for a direction to the respondents to appoint her as Trained Graduate Teacher from the date her immediate junior, whether male or female in the merit list was appointed, with all

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consequential benefits including arrears of pay and allowances and protection of seniority.

2. The respondents have contested the OA by filing their reply to which a rejoinder has also been filed by the applicant. As the pleadings in this case were complete, it was decided with the consent of the parties to finally dispose of the OA at the admission stage itself. Accordingly, we have perused the material on record and also heard the learned counsel for the applicant. The departmental representative on behalf of the respondents has produced the results of examination as well as the photocopies of the relevant departmental notings.

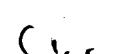
3. The contention of the applicant is two-fold. Firstly, it is sought to be made out that she has been discriminated on grounds of sex, and secondly, that there has been some tempering in the results of the written examination. The respondents in their reply have denied both these contentions though they have admitted that separate merit list for female candidates was prepared. The results prepared by the Tata Consultancy Services and given to the department were placed before us and which we have shown to the learned counsel for the applicant as well. As per this result, the applicant secured 26.5 marks while the cut-off percentage for appointment in the Social Science category for which the applicant competed is shown in the departmental file to be 48. The respondents have also stated in their reply that no candidate with the marks obtained by the applicant has been appointed to the post. There is nothing before us to doubt the accuracy of the result inasmuch as it relates to the marks obtained by the applicant. The fact, however, remains that the applicant's name was included in the list of successfull candidates as notified in the newspapers and she was also informed that she had provisionally qualified in the written examination. Thus, the question which remains is

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if the applicant had secured only 26.5 marks, i.e., much below the cut-off percentage fixed by the department, how her name was notified in the list of successful candidates keeping in view the vacancies available. From a perusal of the pleadings of the parties, it appears to us that while there was no mistake in the computation of the result, the mistake has been in preparation of the merit list by the Tata Consultancy Services to which apart from the work of evaluation of results of the examination the work of preparing merit list as per the requirement of the department subject categorywise etc. had also been assigned. It appears that as a result of error in the preparation of the merit list prepared by the Tata Consultancy Services the name of the applicant was notified in the newspapers and she was also separately informed about her provisional selection in the written examination. This in itself would not entitle the applicant to any legally enforceable right for appointment if she has not succeeded in obtaining a merit position on the basis of which she can rightly claim to be appointed to the post in preference to those who might have secured lower positions. The error in declaration of results, unless proved to be malafide or arbitrary, can always be corrected ^{and} as in the case before us this has been done even before the applicant was offered the appointment.

4. In the light of the above discussion, we are of the considered view that the OA is devoid of merit and the same is accordingly dismissed leaving the parties to bear their own costs.


(J. P. Sharma)
Member (J)


(P. C. Jain)
Member (A)