

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



**OA No.536/2021**

**This the 09<sup>th</sup>day of March, 2021**

(Through Video Conferencing)

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

Mr. Nikhil Kumar, (aged 38 years),  
(Group C, DASS, Grade-II),  
S/o Mr. Vijay Singh Dabas,  
R/o H. No. 998, VPO-Ladpur, Delhi -81.

...Applicant

(By Advocate: Mr.Tribindh Kumar)

**VERSUS**

1. Govt. of NCT of Delhi,  
Through its Secretary,  
Delhi Secretariat,  
Players Building,  
IP Estate, New Delhi.
2. Delhi Subordinate Services Selection Board,  
Through its Chairperson,  
FC-18, Institutional Area,  
Karkardooma, Delhi – 110092.

...Respondents

(By Advocate:Ms.EshaMazumdar)

**ORDER (Oral)****Mr. Justice L. Narasimha Reddy:**

The applicant responded to a notification issued by the Delhi Subordinate Services Selection Board (DSSSB) for the post of Grade -II (DASS) with Post Code No. 81/17. The examination comprised of 2 stages. He is said to have taken the examination at both the levels. However, he was awarded 1.58 marks in the written examination. Feeling aggrieved by that, he made a representation. When it was not considered, he filed OA No. 1972/2020. That was disposed of on 03.12.2020 directing the respondents to pass a reasoned and speaking order on the representation of the applicant. Complying with the same, the Board passed a detailed order dated 13.01.2021. It was mentioned that the applicant attempted 113 questions out of 150 in Paper-I and 119 questions in Paper-II. On both the occasions, he pressed the button for review with a view to consider them at later stage but at the end of the examination, he did not press the button 'answer' and accordingly he was not awarded marks for the same. The said order is challenged in this OA.



2. We heard Mr Tribindh Kumar, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

3. The applicant, no doubt had taken part in Paper-I and Paper-II in the examination conducted by the Board for selection to the post of Grade-II (DASS). However, he was awarded only 1.58 marks, and naturally anybody would be surprised. This is particularly so, as the applicant is already working as a Teacher. One cannot expect such a poor performance by a Teacher. What happened in this case is somewhat curious. It can be said that a detailed and objective consideration was undertaken by the Board on the representation made by the applicant. The impugned order runs into 5 closely typed pages. A detailed examination of the representation is evident from the following paragraphs:-

“10. That the PDF response sheet of the candidate has once again been viewed in the Board as requested by the candidate vide his representation dated 20/10/2020.

11. xxxxx

12. That on examination of the Response Sheet(s) of Candidate Mr. Nikhil Kumar it is seen that out of 150 questions in Paper I the candidate has answered 113 questions but marked for Review these 113 questions and similarly in Paper II the candidate answered 119 questions but marked for Review these 119 questions. The candidate preferred not to mark answers as answered but he answered and marked said questions as to be reviewed by him later on. However at the end of each section(s) the candidate failed to finally make up his mind and thus did not



change questions from “answered and marked for review” to “answered”. The matter is reflected in table below:-

Paper I of Tier II Examination held on 08/11/2019 under post code 81/17.

Sr.No.	Topic and Section	Total No. of Questions	Answered	Not Answered	Marked for Review	Answered and Marked for Review (not considered for evaluation)
1.	Mental Ability 1	20	00	01	00	19
2.	Mental Ability 2	20	00	00	00	20
3.	Mental Ability 3	20	00	05	00	15
4.	Mental Ability 4	15	00	02	00	13
5.	General Awareness 1	20	00	05	00	15
6.	General Awareness 2	20	00	07	00	13
7.	General Awareness 3	20	00	02	00	18
8.	General Awareness 4	15	00	15	00	00
	Total	150	00	37	00	113

13. That it is evident from above table that the candidate has not marked any question as “answered” but answered and marked 113 questions as “Answered and Marked for Review” and 37 questions were not answered by the candidate in Paper I of Tier II Examination held on 08/11/2020.

14. xxxxx

15. xxxxx

16. xxxxx

17. xxxxx

18. That as the instructions quoted above in para 7 the candidate marked 113 questions as per the option selected by him thereafter instead of clicking the button save and next he clicked the button for mark for review in paper I. Since the candidate has not answered any questions by clicking save and next therefore nil questions were evaluated and also 113 questions which were marked as “Marked for Review” were not evaluated as was clearly



mentioned in the general instructions to the candidates in the question paper itself.”

4. It is only the applicant who should squarely own the blame. He did not press the relevant buttons at the appropriate time. He cannot assess his own performance and blame others.
5. We do not find any merit in the OA and the same is accordingly dismissed.

**(Mohd.Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/Vinita/lg/ankit/sd