

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**OA No. 1064/2021**

**This the 16<sup>th</sup> day of June, 2021**

(Through Video Conferencing)

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

Ishwar Kaur  
Aged 32 years  
D/o Sh. Avtar Singh  
R/o 13/1-A, Second Floor  
Park Facing, Tilak Nagar  
New Delhi-110018.

... Applicant

(By Advocate: Sh. Harpreet Singh)

**Versus**

1. Delhi Subordinate Services Selection Board  
Through its Secretary  
FC-18, Industrial Area  
Karkardooma, Delhi-110032.
2. Government of NCT of Delhi  
Through its Chief Secretary  
Delhi Secretariat, IP Estate  
New Delhi. ... Respondents

(By Advocate : Ms. Esha Mazumdar)





## ORDER (ORAL)

**Justice L. Narasimha Reddy, Chairman :**

The applicant was one of the candidates for selection to the post of TGT (Computer Science) in the Directorate of Education. An advertisement was issued in the year 2014 and the written test was conducted on 21.05.2017. When the draft answer key was published, the applicant made a representation stating that the answers in the draft key, for 05 questions are not correct. The representation of the applicant as well as those of others, were referred to experts. The plea of the applicant as regards Question No. 176 was accepted and marks for that question were awarded. Despite that, she did not find place in the list of selected candidates.

2. At that stage, the applicant filed OA No. 2401/2017. It was strongly urged that the answers in the draft answer key and final answer key for Question Nos. 102 and 183 are not correct. In view of the strong plea raised by the applicant and the reliance placed upon the judgment of the Hon'ble Supreme Court, and on the ground that the draft key was itself published after the declaration of the results, the OA was disposed of on 03.12.2020, directing that the answers for Question Nos. 102 and 183, shall be referred to different experts. Accordingly, the respondents referred the matter to a different set of experts, and on the basis of the views expressed by the experts, they passed order dated 28.05.2021, stating that there is no change as

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regards the correctness of the answers,. This OA is filed challenging the order dated 28.05.2021.

3. The applicant contends that she is not furnished with the opinion expressed by the experts nor the basis for the opinion rendered by them. Various other contentions are also urged.

4. Today, we heard Sh. Harpreet Singh, learned counsel for the applicant, and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

5. The respondents maintained a transparent procedure of inviting objections to the draft answer key, forwarding to the experts, and the representations received in that behalf. The fairness is also evident from the fact that the contentions advanced by some of the candidates including that of the applicant were found to be meritorious and corrective steps were taken. The applicant was not satisfied with the steps taken by the respondents and filed an OA, earlier. As an extraordinary measure, we directed that the matter with reference to two questions be referred to other experts. That was done and the experts are said to have concurred with the answers furnished in the draft as well as the final answer key.

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6. The scope of interference in matters of this nature is highly restricted and the Tribunal cannot function as an expert, by itself. Though it is strongly urged that the applicant was not furnished with the details of remarks made by the experts, the same is impermissible in law having regard to the confidentiality, which is required to be maintained in the competitive examinations. If the identity of the experts is disclosed, there is every likelihood of the candidates approaching them and pressurizing or otherwise convincing them to help them. Further, if thousands of candidates, who are not successful in the examination, are extended the facility, the hazardous situation is not difficult to imagine. The judicial review comes to halt, once the Tribunal is satisfied about the steps taken by the respondents. It is not a case, which is typical to the applicant alone. Thousands and lakhs of candidates are involved, and for each of them, such exercise cannot be undertaken. It becomes impossible for any agency to conduct examination, if such a course is adopted.

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

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

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

/jyoti/rk/ns/dsn