

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No. 6804/2020
(S.W.P. No.2922/2018)

Orders reserved on 10th May, 2021

Order pronounced on 31st May, 2021

(Through Video Conferencing)

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

Zubair Ahmad Lone (Age 32 years)
s/o Mohammad Yousuf Lone
r/o Derpora Khairam Srigufwa District Anantnag
(Mr. Qazi Ayaz, Advocate)

..Applicant

VERSUS

1. State of J & K through Commissioner Secretary to Govt. Education Department Civil Secretariat at Jammu/Srinagar
2. Chairman Service Selection Board J & K at Jammu/Srinagar
3. Secretary Service Selection Board J & K at Jammu/Srinagar
4. Director School Education Kashmir
5. Chief Education Officer, District Anantnag
(Mr. Amit Gupta, Additional Advocate General)

..Respondents

ORDER**Justice L. Narasimha Reddy:**

The Service Selection Board (SSB) Jammu & Kashmir issued an advertisement on 28.12.2007 for selection to the post of Teacher. The selection process comprised of conducting of an examination with multiple answers. The examination was held on 13.05.2018. The applicant contends that the draft key as well as the final key published for question Nos.3 and 45 is defective and though he answered the questions correctly, he was not awarded the marks and thereby he was not selected. He filed SWP No.2922/2018 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to award 2 points for question Nos.3 and 45 to him and to select him for the post of Teacher.

2. The respondents filed a detailed reply. It is stated that the draft key was published after the examination was held and in response thereto, 62 representations/objections were received. All of them were referred to experts. It is stated that the experts have opined that answers for two questions need to be modified and accordingly, the final key was published and results were declared. It is stated that no defect was found with reference to question Nos.3 and 45.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA No.6804/2020.



4. Today, we heard Mr. Qazi Ayaz, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General & Mr. Rajesh Thappa, learned Deputy Advocate General.

5. The objection of the applicant is to the answer keys published in respect of question Nos.3 and 45. It is in rare cases that the Courts or Tribunals would direct the concerned agency to correct the answers. For that purpose, the Courts or Tribunals must be satisfied *prima facie* and then the questions must be referred to the experts. Even otherwise, the question No.3 is related to Grammer, and question No.45 is about the expansion of an abbreviation in the field of Information Technology. As regards, question No.3, we are clearly satisfied that the key prepared by the respondents reflect the correct answer and the views expressed by the applicant does not accord with the basic principles of Grammer.

6. Coming to the question No.45, the applicant contends that the expansion of abbreviation, as mentioned in the key, is not correct. The one chosen by him no doubt has some support in a

verb published by an author. However, there is a material outrage and justifies the answer chosen by the respondents in the key.



7. The individual opinions of the candidates hardly matters, in the context of deciding the correctness or otherwise. The difference between the answers in multiple choices is so small and thin that there is a tendency for a candidate to dig in four answers than one to be correct. It is only the one, who has a clear idea about the subject, would be in a position to answer it correctly.

8. We do not find any merit in the T.A and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/jyoti/dsn/