

CENTRAL ADMINISTRATIVE TRIBUNAL,**CHANDIGARH BENCH**

O.A.No.060/00764/2014

Orders pronounced on: 2.9.2015
(Orders reserved on: 23.7.2015)**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

Anita Yadav daughter of Sh. Lal Chand,

Resident of Quarter No. 5-B,

Haryana Police Complex,

Madhuban,

Distt. Karnal.

...

Applicant

Versus

1. Union of India through Inspector General of Police,

Chandigarh,

U.T. Chandigarh.

2. Senior Superintendent of Police,

Union Territory,

Chandigarh.

...

Respondents

Present: Mr. Sat Narayan Yadav, Advocate, for the applicant.
Mr. Rohit Mittal, proxy counsel for Mr. Rakesh Verma,
counsel for Respondents

18

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH.

Draft order in OA No: 060/00764/14-

Anita Yadav VS. UOI ETC. for consideration please.

↓
(SANJEEV KAUSHIK)
MEMBER (J)

HON'BLE MR. UDAY KUMAR VARMA,
MEMBER (A)

ke

ORDER
HON'BLE MR. SANJEEV KAUSHIK , MEMBER (J)

1. This Original Application has been moved for quashing the order dated 7.8.2014 vide which the request of the applicant for rectification of answer key has been rejected on the ground that she had not filed application well in time and recruitment process had already been completed and appointment of candidates had also taken place.
2. The respondents initiated selection process for appointment of Constables (Executive) in Chandigarh Police on 15.3.2010. The applicant tried her luck in OBC category and was successful in physical efficiency as well as physical measurement test. She appeared in the written test and secured 39 marks and was, thus, successful. However, she was shocked to find that in the result a candidate of general category having secured only 37 marks was called for interview whereas the applicant was ignored despite higher marks. She came to know that cut of merit of OBC category was 40 whereas that of general category 37.
3. The applicant approached this Tribunal by filing O.A.No. 437-HR-2011 which was disposed of on 20.1.2012 holding that since she was higher in merit than last general category candidates, she could not be denied interview. CWP No. 14862 of 2012 against this decision was dismissed. The applicant was called for interview in which she was awarded 6 marks and was placed at Sr. No. 10 in the merit list. On filing of an RTI Application, she came to know that total marks obtained by her in the written test come to 41, whereas authority has only shown 39 marks. Thus, she submitted a representation dated

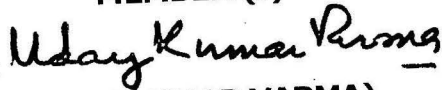
19.11.2013 for appointment as constable which was rejected on the plea that she did not file application for rectification of answer key well in time. Hence, this Original Application.

4. The facts are not largely in dispute and the plea taken by the respondents is that the applicant has rightly been given only 39 marks and in any case since the applicant had not filed application for correction in answer key and selection has already matured in appointment of candidates and as such she is not entitled to any relief.
5. We have heard learned counsel for the parties and perused the material on the file.
6. Placing reliance on decision of this Tribunal in the case of **Smt. Anju Rathi Vs. UOI etc.** in O.A.No. 840-HR-2011, it is argued by learned counsel for the applicant that this Tribunal has recognized the fact that if there is a mistake in the master key, then one is entitled to grant of marks for such a mistake. This decision was challenged in CWP No. 22700 of 2012 which was disposed of on 1.4.2013 holding that the appropriate recourse for the administration can be to apply the rectified / corrected key in the case of the concerned candidate and if she qualifies, to consider her for appointment. It is argued by learned counsel for the respondents that now the selection and appointment having already taken place the applicant cannot be granted any benefit as she had not applied for rectification of error in time.
7. The facts are crystal clear that the applicant came to know about wrong answer key only after filing of an application under RTI Act. She did not submit any application for rectification of answer key in time. The instant O.A. has been filed only in September, 2014. There is no application seeking condonation

of delay in filing the Original Application. Even the Hon'ble High Court has observed in its aforesaid order that "no other candidate has approached the Tribunal within the period of limitation". That being the position, we do not find any fault with the action of the respondents, therefore, the Original Application is dismissed.

8. The parties are left to bear their own costs.


(SANJEEV KAUSHIK)
MEMBER (J)


(UDAY KUMAR VARMA)
MEMBER (A)

Place: Chandigarh
Dated: 2.9.2015
L

HC*