

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.202/2015
&
OA No.203/2015

Order Reserved on 11.09.2015
Order Pronounced on: 18.01.2016

Hon'ble Mr. Sudhir Kumar, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

OA No.202/2015

Vikas
S/o Shri Prem Swaroop
R/o F-443-A Gali No.8,
Ganga Vihar, Delhi-110094. -Applicant

(By Advocate: Shri Sachin Kumar Jain)

Versus

1. Delhi Subordinate Service Selection Board
Through its Secretary,
FC-18, Institutional Area,
Karkardooma, Delhi-110 092.

2. Govt. of NCT of Delhi
Directorate of Education,
Old Patachor Building, Lucknow Road,
Timar Pur, Delhi-110 054. -Respondents

(By Advocate: Ms. Rashmi Chopra)

OA No.203/2015

Pushpa Devi
D/o Sh. Chhatar Singh Yadav
R/o H. No. B-3/34, Meet Nagar,
P.O. Gokul Puri, Delhi-110094. -Applicant

(By Advocate: Shri Sachin Kumar Jain)

Versus

1. Delhi Subordinate Service Selection Board
Through its Secretary,
FC-18, Institutional Area,

Karkardooma, Delhi-110 092.

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 Old Pattachor Building, Lucknow Road,
 Timar Pur, Delhi-110 054. -Respondents

(By Advocate: Ms. Ritika Chawla)

O R D E R

Per Sudhir Kumar, Member (A):

These two OAs were heard together and reserved for orders together. Even the case law concerning these two cases was supplied by the learned counsel for the applicant only in one of these two cases. Since the issue at hand and the prayers of these two OAs are similar, they are being disposed of through a common order. For the sake of convenience, we shall take up the O.A. No.202/2015 as the leading case for the purpose of discussion of the facts of these cases in detail.

OA No.202/2015

2. This OA has been filed, as the application/OMR Form of the applicant has been rejected by the Respondent No.1 for the reason "**not having the requisite qualification as on closing date**". The applicant had applied for the Post Code 116/12 (TGT Sanskrit Male) against the Advertisement No.02/12, in which the examination was conducted on 28.12.2014. But his name was included in the list of rejected candidates which was uploaded for the Post Code 14/13, in respect of which Post Code also the applicant had applied in response to the Advertisement No. 01/13.

3. The applicant has annexed copies of the e-Admit Card issued to him vide Roll No. 5200796 with reference to the application for the Post Code 116/12 as Annexure-2, and a copy of his application in response to the Advertisement No.01/2013, as Annexures 3 & 4. The complete reason given for rejection of his OMR Form was as follows:-

“NO B.A. (HONS) IN MIL, NO B.A. WITH MIL, NO ADDITIONAL LANGUAGE IN B.A., NO SAHITYA RATNA OF HINDI SAHITYA SAMMELAN, NO SAV CERT, GRAD. PER 45%”.

4. The applicant has submitted that he had filled his application form with great care, and was very much surprised with the rejection of his candidature, as the reason for rejection of his application was not correct, inasmuch as he possessed the requisite qualifications as on the date of application, and had filled up the qualifications in Column No.13 of the OMR form as required, and the rejection of the same was, therefore, arbitrary and wrong.

5. The applicant has submitted that he had filed his objection/claim dated 16.09.2013 regarding rejection of his OMR form through Annexure-6, and the Respondent No.1 had, after considering his representation, issued to him a notice dated 26.11.2014 through Annexure-7, but still his name was not mentioned in the additional list of provisionally eligible candidates declared for the Post Code 14/13. The respondents had conducted a single examination for both the Post Codes, therefore, a candidate, who had applied for both the Post Codes, either under the

Advertisement of the year 2012, or under the Advertisement of the year 2013, but the applicant has alleged that due to faulty scrutiny process of applications/OMR forms, his application had been wrongly rejected.

6. The applicant has taken the ground that he indeed possessed the requisite qualifications inasmuch as he is having degree of M.A. (Sanskrit), B.A. (Pass) & B.Ed. and has also passed CTET, which is required for the post of TGT (Sanskrit-Male), and he also belongs to S.C. category, and the respondents could not have victimized him, due to their own faulty OMR form, and then a faulty scrutiny process of those OMR forms. The applicant has alleged that the rejection of his candidature has resulted in infringement of his Fundamental Rights, as guaranteed under Article 14 of the Constitution of India, and the Respondent No.1 has committed an error apparent on the face, which they are required to correct, and consequently provide the relief to the applicant. In the result, the applicant had prayed for the following reliefs, and an Interim Relief, though that Interim Relief was never granted to him:-

“Relief:-

In the premises aforesaid, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to direct the respondent to include the name of applicant in the list of eligible candidates released/uploaded on website of respondent no.1 for examination for the post TGT Sanskrit Male (Post Code No. 14/13) already held on 28.12.2014 and consider the candidature of applicant for the post code 14/13 under advertisement no. 01/13 besides post 116/12 under advertisement no. 02/12 and any other or further order/relief which this Hon'ble tribunal may deem just and proper in favour of the applicant in the facts and circumstances of the case.

Interim Relief:-

A direction to the respondents to withhold/to put at halt the recruitment process of the post code 14/13 under advertisement no. 01/13 till the final outcome of this Original Application or consider the candidature of applicant".

7. The respondents filed their counter reply on 07.07.2015 and submitted that the OMR technology eliminates human error and ensures quick verification of forms, and even the applicants for those Post Codes, who had earlier applied through paper based forms, have now to register online for issuance of Admit Cards. They submitted that the list of eligible/ineligible candidates for the Post Code 14/13 was put on the website of the Respondent-Board on 10.09.2013.

8. It was further submitted that the applicant of this OA had successfully followed the prescribed procedure for registering himself online, and the e-Admit Card had also been generated and issued to him for appearing at the examination, which was scheduled to be held on 28.12.2014 for the Post Code 116/12. Later, applications for the Post Code 14/13 were also invited in the same format, but when the application of the candidate had been received in the office, it had to be rejected, as he had not bubbled the columns 13 (1) B.A. (Hon.) in MIL concerned (2) B.A. with MIL concerned as elective (3) Additional Language in B.A. (5) Sahitya Ratna of Hindi Sahitya Sammelan (7) Degree/Diploma in teaching SAV Certificate.

9. It was also stated that the applicant did not represent in response to the notice put up on the Respondents' website for the Post Code 14/13 on 10.09.2013. It was further submitted that the rejection of OMR sheet

was correct, as the candidate had not bubbled the requisite/important columns meant for the Post Code 14/13, and as the applicant did not protest against the rejection of his candidature at the appropriate stage, and had opted only for the Post Code 116/12, his candidature for the Post Code 14/13 was never considered. They had, therefore, denied that the candidature of the applicant had been wrongfully denied to him, and had prayed that the OA be dismissed.

10. The applicant filed his rejoinder on 19.08.2015. In this, he had pointed out that the Column No.13 of the OMR sheet has not been printed correctly. It was submitted that as per his qualification, the candidate was required to bubble only the relevant bubbles out of the 8 bubbles mentioned in the said column, and it appears that his application had been rejected by the OMR Scanning system of the respondents only, because he did not bubble all the columns in respect of Column No.13, which could have been the requirement as per the legend given above the column.

11. It was, therefore, submitted that the rejection of his candidature was contrary to the instructions as given in the Advertisement, and the procedure and technology used by the respondents for scrutinizing the OMR sheets is defective, and is not up to the mark, because his application has been wrongly rejected by the system, only because he had not bubbled all the columns in Column No.13 of the OMR sheet. Therefore, it was prayed that the OA be allowed, since he was fully

qualified to appear at the examination, for which he was denied an opportunity.

OA No.203/2015

12. Most of the facts in this case, and even drafting of the OA, is the same, as in the earlier case, except the fact that the applicant of this OA had applied first in the year 2012, in response to the Advertisement No.02/12, for the Post Code 109/12 (TGT Hindi-Female), for which the respondents had issued the e-Admit Card to her vide Roll No.4500830. Later on, she also applied, like the applicant of the first OA, in response to Advertisement No. 01/2013 for the post of TGT Hindi-Female, Post Code 07/13, and OMR Sheet No. 102350, and her application was also similarly rejected by respondents, assigning the same reason “**not having the requisite qualification as on closing date**”, while the detailed ground for rejection was mentioned as follows:-

“NOT HAVING THE REQUISITE QUALIFICATION AS ON CLOSING DATE”, as the candidate/applicant was on the ground that “NO B.A. (HONS) IN MIL, NO ADDITIONAL LANGUAGE IN B.A., NO EQUIV. ORIENTAL DEGREE IN MIL CONCERNED, NO SAHITYA SAMMELAN, NO PG QUALI IN MIL” (Modern Indian Language).

13. The applicant of this OA had also taken the similar grounds, after narrating the facts of her case, and had sought for similar Reliefs and the Interim Relief as follows:-

Relief:-

“In the premises aforesaid, it is most respectfully prayed that this Hon’ble Tribunal may be pleased to direct the respondent to include the name of applicant in the list of eligible candidates released/uploaded on website of respondent no.1 for examination for the post TGT Sanskrit Male (Post Code No. 14/13) already held on 28.12.2014 and consider the candidature of applicant for the post code

14/13 under advertisement no. 01/13 besides post 116/12 under advertisement no. 02/12 and any other or further order/relief which this Hon'ble tribunal may deem just and proper in favour of the applicant in the facts and circumstances of the case.

Interim Relief:-

A direction to the respondents to withhold/to put at hault the recruitment process of the post code 14/13 under advertisement no. 01/13 till the final outcome of this Original Application or consider the candidature of applicant”.

14. In this case, the counter reply was filed by another counsel Ms. Ritika Chawla on 29.05.2015, though with similar contents, stating that the candidature of the applicant had to be rejected, as she had not bubbled the column 13 (1) B.A. (Hon.) in MIL concerned (3) Additional Language in B.A. (4) Equivalent Oriental Degree in MIL concerned (5) Sahitya Ratna of Hindi Sahitya Sammelan (6) PG qualification in MIL concerned.

15. The applicant in this OA had represented in response to the online Notice dated 10.09.2013. Her representation was considered and rejected, as she had not bubbled the requisite column meant for Post Code 07/13. The respondents admitted that this candidate also had successfully registered online for the Post Code 109/12, and had generated her e-Admit Card, but stated that she had wrongly filled the OMR sheet in respect of Post Code 07/13, and hence her application was rejected by the OMR scanner automatically.

16. In her rejoinder filed on 19.08.2015, the applicant took exactly parallel grounds, as in the earlier case, which we need not repeat for the sake of brevity.

17. Heard. The case was argued in detail. Learned Counsel for the two applicants relied upon the following cases:-

- “i) **Rohit Yadav vs. Central Board of Secondary Education and Others** dated 24.07.2012 in W.P. (C) No. 4189/2012;
- ii) Common order in OA No.1966/2013 with six other connected OAs **Ms. Deepika and Another vs. Govt. of NCT of Delhi** decided on 02.07.2014”.

18. On the other hand, the two learned Counsel for the respondents in these two cases relied upon the following judgments:-

- “i) **Monika Kaushik vs. Govt. of NCT of Delhi & Ors.** dated 18.02.2003 in C.W. No.6911/2002;
- ii) **Md. Abrar Alam vs. Jamia Hamdard and Anr.** Decided on 28.09.2006 in W.P. (C) No. 12757/2006; and
- iii) **Mrs. Primila Rani vs. The Commissioner of Police and Anr.** In OA No. 598/2014 decided on 07.03.2014”.

19. We have gone through the records of the two case files, the pleadings, the arguments, and the case law as relied upon by the learned counsel for both the sides, and have given our anxious consideration to the entire facts, documents, and the case law cited before us.

20. In the first case cited by the learned counsel for the applicant in **Rohit Yadav vs. Central Board of Secondary Education and Ors.** (supra), the Delhi High Court had in Para-16 of that judgment held that the petitioner cannot be penalized for a bonafide mistake, and had ordered as follows:-

“16. Accordingly, having regard to the facts of this case, I am of the view that on account of the bonafide mistake of the petitioner, the petitioner cannot be penalized to the extent that the admission granted to him should be cancelled. In case it is not possible to grant the petitioner admission to NIT Kurukshetra, let admission be granted by respondent no.2 to the petitioner in Electronic and Communication Engineering in any other college of respondent no.2”.

21. In **Ms. Deepika and Another vs. Govt. of NCT of Delhi** (supra), a Coordinate Bench of this Tribunal had held as follows:-

“18. We have considered the deficiencies in the OMR application forms filled up by the applicants in this case. We find that there was a scope for ambiguity with regard to the filling up of col. 12 (d), (e) & (f). **While the instructions as reproduced earlier did say that the applicants were required to fill up all the columns, it is obvious that this instruction cannot be applied to all the columns as some columns had to be answered in terms of yes or no. Obviously both columns cannot be filled up under any circumstances. Secondly, the applicants could genuinely believe that having marked the column of registration with Nursing Council would automatically mean that they had fulfilled all the conditions required for such registration, namely, matriculation or equivalent certificate and a diploma in Nursing/Midwifery.** We also note that in some examinations such as Delhi Higher Judicial Service Examination, sample registration form of which was produced by the learned counsel for the applicants, Sh. R.K. Jain, the instructions clearly show as to how to fill up a column like 12(d), (e) & (f) in the present case. Further relying on Gyan Prakash’s case (supra), we are of the view that the OMR applications of the applicants in OAs 1966/2013, 1968/2013, 1990/2013 & 1998/2013 should have been accepted by the respondent no.2.

19. In the second category, col. 16 had not been filled up at all or filled up wrongly. Col. 16 is reproduced below:

“Whether debarred in any earlier Examination by DSSSB? (see list in website)

Yes

No

20. The two applicants in OA-1986/2013 did not fill up this column altogether and the applicants in OA-1987/2013 answered yes in this column. This is a very important information which the respondents would like to have from the applicants and applicants also are required to be careful while filling up this column. However, it is

stated in the form that list in website which means that if the name of the candidate is included in that list which apparently is of debarred candidates, he is debarred, otherwise not. In other words, the respondents do not envisage a situation where a candidates name may not be in the list in website but he might have been debarred. In such a situation it is only a question of reference to the list in website and nothing more. Therefore, by not filling up this column or wrongly filling up this column does not alter the factual position in respect of debarment of a candidate. If a candidate has not filled up this column, the respondent no.2 would still check whether his name appears in the list of debarred candidates and if his answer is no in this column even then they will check the list. Here the two applicants have wrongly marked yes in col. 16. No candidate would deliberately claim himself as having been debarred when that is not a fact. If the list in website is the master list, a mistake in filling up this form in either of the above two cases does not change the factual position and cannot be treated as an attempt to mislead or conceal the information. We are, therefore, of the view that this mistake cannot be the sole ground for rejection of the candidature of these applicants.

21. In the third category, there is only one candidate in OA-1989/2013 who did not fill up the Post Code. This is a serious mistake because the OMR application cannot be processed at all in the absence of the Post Code. In such a case the application is ought to have been rejected. However, in this case we would refer to an order dated 13.02.2013 of Coordinate Bench of this Tribunal in OA-2063/2012. In that case, the applicant had been awarded zero marks in Tier-I of two examinations as the applicant had mentioned a wrong code on the OMR answer sheet. According to the instructions published in the notice of the examination, the answer sheet not bearing candidates Roll no., ticket no. and signatures fully and correctly, zero marks will be awarded to them. However, it was noticed that the respondents in that case had evaluated the OMR answer sheet of the applicant and awarded 129 marks despite the fact that the answer sheet carried a wrong ticket number. Thus, the respondents were not handicapped in tracing and connecting the answer sheet of the applicant correctly to the applicant in that case. It was held that In the peculiar facts and circumstances of this case and for the aforesaid reasons, the OA is allowed and the respondents are directed to consider the case of the applicant for appointment to the post of Inspector (Central Excise) or to any other post, as per his merit, after taking into the marks awarded to the applicant for Paper-I of Tier-II examination as per Annexure A-5 coupled with the marks awarded to him under Annexure A6, if otherwise eligible, within a period of 60 days from the date of receipt of a copy of this order.

22. In the present case also, we find that though the applicant had not filled up Post Code, the applicant had correctly filled up the educational qualification in the col.12 (d) pertaining to Staff Nurse, Health and Family Welfare. Once the post had been identified, there can be no ambiguity with regard to the Post Code, and therefore, we are of the view that respondents were not right in rejecting the application on this ground alone.

23. The cases of the applicants in these OAs need to be considered by the respondents in the light of our observations above. We, accordingly, quash the notice dated 03.05.2013 issued by respondent no.2 in respect of applicants in the present OAs and direct them to consider the candidature of the applicants for the post for which they have applied and further process their cases in accordance with the rules with regard to the selection and appointment within a period of two months. OAs are allowed. No costs”.

22. In **Monika Kaushik vs. Govt. of NCT of Delhi** (supra), the Delhi High Court in Para-8&9 of the judgment held as follows:-

“8. The prospectus enjoins the candidates to file applications complete in all respects along with attested photocopies of all certificates. Incomplete application would not be entertained. I have also perused the photocopy of the application form submitted by the petitioner with the respondents. The application does not disclose the details of enclosures sent along with the application. I have also perused the papers of the Scrutiny Committee. From the perusal of the same, I find that the petitioner failed to furnish Class X and Class XII pass certificates. However, the petitioner enclosed the provisional certificate of Class XII. The petitioner thus filed an incomplete application. The respondents were within the right to reject the application. The petitioner was afforded an opportunity of satisfying the Court that there was compliance on her part, which she had miserably failed to show. The respondents have placed on record a list of candidates, whose candidatures were rejected as they failed to comply with the mandatory instructions contained in the prospectus. The petitioner has not been singled out. She would have been entitled to 5% weightage if her application was found to be complete in all respects. The respondent neither acted arbitrarily nor unreasonably as it followed the norms/ guidelines and the requirements as laid down in the prospectus. Failure on the part of candidates to comply with the terms and conditions for admission would not entitle them to relief. Every institution has a discretion to adopt any rules, practice or issue regulation with regard to admission and so long as the rules, practice and regulation are strictly adhered to and unless it is shown to the contrary, the Court should be slow to interfere.

9. In light of the aforesaid discussion, I am of the view that the mandatory conditions for grant of admission were not complied with. The application of the petitioner was incomplete and rejected. The petitioner has not disclosed violation of any right legal or otherwise to warrant interference. There is no merit in the petition”.

23. In **Md. Abrar Alam vs. Jamia Hamdard and Anr.** (supra), in Paragraphs 28 & 29 of its judgment, the Delhi High Court had held as follows:-

“28. In view of the specific stipulation by the respondents on their admission form categorically on the top of the admission form that the application forms with incomplete information shall not be processed, no fault can be found with the action of the respondents in not processing the form of the petitioner.

29. Consequently, the respondents are justified in not processing the application form of the petitioner for admission to M. Pharm course and there are no grounds to interfere with their decision. The petitioner, therefore, is not entitled for the relief prayed and the writ petition is, thus, dismissed.”

24. In OA No. 598/2014 **Mrs. Promila Rani vs. The Commissioner of Police & Anr.** (supra), through an order by a Bench in which one of us was a Member, it was held as follows:-

“As has been made clean breast of in the counter reply filed on behalf of the respondents, an Advertisement to fill up 522 vacancies (un-reserved-265, OBC-140, SC-78 and ST-39) for the post of Women Constable (Executive) in Delhi Police was published in the leading Newspaper dated 26.4.2013. In response to the said Advertisement, the applicants submitted their online application vide Registration Nos. 2512185 and 3160191 respectively. Application form in respect of applicant No.1 was rejected on the ground that her photograph was missing and the same in respect of applicant No.2 was rejected because she left the column of educational qualification as blank. It is seen that in column No.15 (23) of the Advertisement, it was specifically mentioned thus:

- 15. General instructions:
- 23. Application forms will be rejected if they are:
 Incomplete

Without Demand/Bank Draft/ bankers cheque of Rs.100/- (except SC/ST and Ex. Servicemen candidates) Received in duplicate Without attested copy of certificate in case of SC/ST/Ex- Servicemen for free exemption, Sports Certificate if the candidate is seeking age relaxation and NCC CCertificate for seeking bonus marks.

Without latest photograph.
Application form not signed by the candidate.
(emphasis supplied)

Thus once the application form of applicant No.1 was without latest photograph only the same of applicant No.2 was incomplete, in view of general instructions mentioned in the recruitment notice, the respondents were justified to reject the same. There action is in consonance with the conditions contained in notification for examination. Mr. Harpreet Singh, learned counsel for applicants did not press this Original Application on behalf of the applicants seriously.

2. The Original Application is accordingly dismissed. No costs".

25. The position of law is, thus, very clear. When instructions are given to the candidates to fill up all the columns in a form properly, and with due care, and the applicants thereafter failed to even comply with those directions carefully, their claims for being considered selection have been rejected by the Delhi High Court in **Monika Kaushik** (supra) and in **Md. Abrar Alam** (supra) and when photograph of the applicant was found missing by this Tribunal in **Mrs. Promila Rani's** case (supra). The relief granted to the petitioner by the Delhi High Court in **Rohit Yadav** vs. **Central Board of Secondary Education and Ors.** (supra) was a discretionary relief because of the bonafide mistake, as it was ordered, as reproduced above, that the petitioner's admission should not be cancelled, and if it is not possible to grant him admission to MIT Kurushetra, he may be granted admission in Electronics and Communication Engineering discipline in any other College. In **Ms. Deepika and Anr. with six other connected cases** (supra), the cases were categorized in different categories of discrepancies therein, and it was held that when a mistake in filling up the form does not change the factual position, such a mistake cannot be the sole ground for rejection of

candidature of any candidate. In fact, in a few cases it was held that when the applicants could genuinely believe that having marked the column of registration, they had fulfilled all the conditions required for such registration, relying upon the case of **Union Public Service Commission vs. Gyan Prakash Srivastava, (2012) 1 SCC 537**, it was held that the OMR applications of the applicants in the four OAs covered by the observation should have been accepted by the respondents. However, when the candidate of one OA did not fill up even the Post Code itself, it was considered as a serious mistake, and once the post had been identified, and there could have been no ambiguity with regard to the Post Code, it was held that the respondents were not right in rejecting the application of the candidate on the ground of not filling up the Post Code alone.

26. The facts of these two instant cases before us are even more peculiar. Column-13 of the OMR sheets nowhere prescribes that all the 8 bubbles had to be filled up, since all the bubbles have been required to be filled up as a complete requirement, when the essential educational qualification could have been taken as satisfied by filling up only the relevant bubbles alone.

27. We, therefore, find merit in the argument of the applicants of these two OAs, which has gone un-rebutted by the respondents, that there was indeed a mistake in the manner in which Column-13 of the OMR sheets were framed, and read by the Scanner.

28. One more aspect of these cases is that when the respondents had combined the examination in respect of 2012 and 2013 advertisements together, and the applicants could have applied against only one of the two Post Codes, either the Post Code in the year 2012 advertisement, or the Post Code in the year 2013 advertisement, it has so happened that both these applicants had filled up and downloaded the OMR sheets by logging in 2012 ID, and have then mistakenly filled up in Column-11 the Post Code relevant for the Post Code of 2013 advertisement. It appears to us that the OMR sheets, as presently prepared by the respondents, do not have proper columns for sufficient information to be provided by the applicants in such cases where separate applications have been filled up in respect of the two years, and the two Post Codes, and it is the respondents who had then later on decided in respect of the examination in respect of those two Post Codes in two different years to be held together. This is one more reason why the applicants are entitled to reliefs as prayed for by them.

29. Therefore, agreeing with the judgment of the Coordinate Bench in OA No. 1966/2013 and six other connected cases **Ms. Deepika and Anr. vs. Govt. of NCT of Delhi** (supra), and in particular Para-18 thereof, and relying upon the very same judgment of **Union Public Service Commission vs. Gyan Prakash Srivastava** (supra), which was relied upon by the Coordinate Bench, we have also come to the conclusion that the Column-13 of the OMR sheet in respect of essential qualification of the applicants was framed in such a manner that it could have been filled by different candidates in different manner, and did not require all the

bubbles to be filled up and marked, and the only objections to the candidature of the two applicants before us, as seen from the legend associated with the rejection of their application, as reproduced above, has been in respect of their having filled up Column-13 of the OMR sheets wrongly. Therefore, because of the faulty design of the said Column No.13, and incorrect instructions regarding the manner it was to be filled up, the action of the respondents in rejecting the applicants' OMR sheets only on the ground of wrong filling up of that Col. No.13 is set aside.

30. Therefore, both the OAs are partly allowed, and the respondents are directed to call the applicants of these two OAs for verification of their documents to verify their actual qualifications as possessed by them as on the last date for filling up of the application forms for the years 2012, as well as 2013, and to consider their candidature, and if their qualifications are found to be fulfilled as on the last date of receipt of those applications, as per the Notifications issued for the respective years 2012 & 2013, by the abovementioned Advertisements, to allow their candidature for the relevant posts.

31. However, since the examination was conducted on 28.12.2014, and the results of the same may have been declared, and the selected candidates may have even joined, who were not parties before us in these two OAs, it is hereby made clear that if, and when, the applicants of these two OAs are found to be eligible candidates in the respective years, or are permitted to appear at any supplementary or subsequent examination, for the same/similar Post Codes, no benefit in respect of the

period already elapsed till now will accrue to these two applicants, and that their candidature will be considered to have been only notionally allowed for appearance at the examination held on 28.12.2014.

32. In order to avoid such futile litigation in future, perhaps the respondents may do well to look into the structure of Column-13 of their OMR Sheets, and the manner in which the OMR scanning and scrutiny of that Column is conducted by them.

33. There shall be no order as to costs.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

CC.