Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1273/2017

New Delhi this the 20th day of April, 2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Ankit Nagar,
S/oSH. Mantram Nagar,
R/o Village-Mathurapur, Post-Morta,
Dist-ghaziabad, UP-201003
Aged about 26 years,
(Candidate towards Combined Higher Secondary
Level Examination-2014 Exam) ... Applicant

(By Advocate : Sh. Ajesh Luthra).

Versus

1. Union of India,
Through its Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievance & Pension,
North Block, New Delhi.

2. Staff Selection Commission,
Through its Chairman (Head Quarter),
Block No. 12, CGO Complex,
Lodhi Road, New Delhi.

3. Staff Selection Commission,
Through Regional Director (CR),
Staff Selection Commission,
21-23, Lowther Road,
Allahabad-211002. ... Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

The grievance of the applicant is that despite clearing the Written Exam and Computer Proficiency Test of Combined Higher Secondary Level (10+2) Examination, 2014, the respondents have not declared his result allegedly on the ground that he was involved in malpractices during the examination.

2. Learned counsel for the applicant argued that in a similar matter in OA No. 1286/2016 in the case of one Ms. Arti Rani, who obtained second rank in the same examination, this Tribunal vide its order dated 07.04.2016 has given the following directions:

> "3. Briefly stated, the facts of the case are that the applicant was a candidate for the post of Data Entry Operator(DEO) and Lowe Division Clerk(LDC). The vacancies having been notified by the Staff Selection Commission (SSC), she was issued an Admit Card under Roll No. 3011609938. The result of the selection came to be declared on 09.10.2015. the applicant is shown to have secured 357.25 marks and was declared successful with 2nd rank in the selection list for the post of DEO in CAG. It is stated that all other selectees except the applicant were appointed. The applicant received a show cause notice dated 26.11.2015 alleging that she has indulged in malpractice/unfair means in the written examination. She was asked to submit certain documents and furnish her explanation. The applicant replied to the said show case notice. She also sought information under the RTI Act, 2005. However, no written reply was provided to her. It is stated that on enquiry, the applicant was informed that the documents relation to her examination have been sent to Forensic Experts for handwriting/signature match/mismatch opinion. The applicant has also made a representation dated 22.03.2016 (AnnexureA-9).
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> 4. The grievance of the applicant is that the respondents have not taken any decision either on the representation or in respect of her appointment for the post on the basis of her selection.
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> 5. Keeping in view the above circumstances, we dispose of this Application with the direction to the respondents to ensure that the necessary information from the concerned Forensic Laboratory is obtained within a period of six weeks from the date of receipt of a copy of this order, and on consideration of the opinion of the expert, consequential decision be taken within a period of two weeks thereafter."

3. Learned counsel has also relied on the judgment of this Tribunal in OA No. 1532/2016 (Rajesh vs. UOI & Ors.) dated 05.05.2016. He argued that this case being similar can also be disposed of in terms of the same order.

4. In view of the aforesaid submissions, we dispose of this OA at the admission stage itself without issuing notices to the respondents and without going into the merits of the case with a direction to the respondents to examine the case of the applicant herein. In case he is found to be similarly placed as applicant of

OA No. 1286/2016 then extend the benefits of the order dated 07.04.2016 to the applicant herein as well. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/