

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.1468 OF 2015

New Delhi, this the 23rd day of May, 2017

CORAM:

HON~~BLE~~ SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

AND

HON~~BLE~~ MRS. PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBER

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Sh. Abhishek Bhardwaj,
s/o Sh. Ashok Bhardwaj,
aged about 22 years,
R/o H.No.263,
Village & PO Kanjhawala,
Delhi 110081

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Applicant

(By Advocate: Shri T.D. Yadav)

Vs.

1. The Chairman,
Staff Selection Commission,
Central Govt. Office Complex,
Lodhi Road, New Delhi.
2. Secretary,
Ministry of External Affairs,
South Block,
New Delhi

í í í .. Respondents

(By Advocates: Mr.B.L.Wanchoo and Mr.Gyanendra Singh)

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ORDER

Per Raj Vir Sharma, Member(J):

The applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:

ð(i) To set aside and quash the impugned final result dt.10.2.2015 to the extent the applicant has not been

recommended for appointment for the post of Steno Grade -Cøas (Annexure A).

- (ii) To set aside and quash the impugned list marks/mistakes (in percentage) of qualified/not qualified to the extent the applicant is shown 5.01% as Annexure A.
- (iii) To direct the respondent to declare 5% mistake instead of 5.01% and declare qualified in Stenography Skill Test.
- (iv) To direct the respondents to issue appointment for the post of Steno Grade -Cø and applicant may be selected in Ministry of External Affairs like similarly situated employees.
- (v) To direct the respondent to grant all the consequential benefits to the applicant like seniority.
- (vi) To pass any other order/s as may be deemed fit and proper in the facts and circumstances of the case.
- (vii) Award costs.ö

2. Resisting the O.A. the respondents have filed counter replies.

The applicant has also filed rejoinder replies thereto.

3. We have carefully perused the records, and have heard Shri T.D.Yadav, the learned counsel appearing for the applicant, and S/Shri B.L.Wanchoo and Gyanendra Singh, the learned counsel appearing for the respondents.

4. Brief facts of the case, which are not in dispute, are that the applicant is an UR category candidate of the Stenographers (Grades -Cø and -Dø) Examination, 2014. The written examination was held on 14.9.2014. The scheme of examination as stated in para 8 of the Notice consisted of written examination of 200 marks and skill test in Stenography. Candidates who obtained the qualifying marks in the written examination were called for the stenography skill test. The skill test was of qualifying nature. The applicant qualified the written examination and was called for the stenography skill test conducted on 23.12.2014. The skill test in stenography

consisted of a dictation of 10 minutes in English/Hindi at the speed of 100 w.p.m. for the post of Stenographer Grade -CØ and 80 w.p.m for the post of Stenographer Grade -DØ. The matter had to be transcribed on Computer only. The transcription time allowed for Grade D Stenographer was 50 minutes (English) and 65 minutes (Hindi). For Grade -CØ Stenographers, the prescribed time was 40 minutes (English) and 55 minutes (Hindi). The candidates who met the following cut-off were considered:

- (a) Stenographer Grade C: up to 5% mistakes for UR and up to 7% mistakes for all reserved category candidates.
- (b) Stenographer Grade D: Up to 7% mistakes for UR and up to 10% mistakes for all reserved category candidates.

The candidates who qualified in the stenography skill test were selected on the basis of their performance in the written examination. The applicant committed 5.01% mistakes and was not selected as the mistakes allowed for selection were 5.00%.

5. In the above context, the applicant has contended, inter alia, that the respondent-Staff Selection Commission (SSC) ought to have considered him for selection and recruitment to the post of Stenographer Grade C ignoring his 0.01% mistake in Stenography Skill Test. There is no provision to check the Stenography Skill Test through computer. Therefore, the respondent-SSC ought to have manually evaluated the scripts of the candidates in the stenography skill test.

6. On the other hand, it has been contended, *inter alia*, that as per the recruitment notice, the candidates were required to transcribe their dictation on computers. The scripts transcribed on computers were evaluated by computers. The contention of the applicant that the evaluation should not have been done by using computer is not correct and not acceptable. Computer evaluation is objective and accurate. As the applicant committed more than 5% mistakes, he was rightly not considered as qualified for the post of Stenographer Grade C. All UR category candidates who committed more than 5% mistakes were not considered for Stenographer Grade C. Therefore, the question of any discrimination against the applicant does not arise.

7. After having given our thoughtful consideration to the rival contentions, we have found no substance in any of the contentions of the applicant.

8. The terms and conditions of the recruitment notice and the method of evaluation of the scripts of the candidates in the Stenography Skill Test being sacrosanct and binding on the respondent-SSC and the applicant and all other candidates, the applicant cannot be allowed to question the same. There might be some other UR category candidates, who were not selected for the post of Stenographer Grade-C because of their having committed more than 5% mistakes in the Stenography Skill Test. Thus, the acceptance of the applicant's claim by the respondent-SSC would have given rise to similar claims being made by those UR category

candidates, and the non-consideration of their candidatures and/or the non-selection of those UR category candidates would have been violative of Articles 14 and 16 of the Constitution of India. In the process, the entire gamut of selection process would have become vulnerable. We would also like to observe here that a process of selection and appointment to a public office should be absolutely transparent, and there should be no deviation from the terms and conditions contained in the notices issued by the recruiting agency during the recruitment process and the rules applicable to the recruitment process in any manner whatsoever, for a deviation in the case of a particular candidate amounts to gross injustice to the other candidates not knowing the fact of deviation benefitting only one or a few. The procedure should be same for all the candidates.

9. In the light of our above discussions, we do not find any merit in the O.A. Accordingly, the O.A., being devoid of merit, is dismissed. No costs.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

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