

**Central Administrative Tribunal  
Principal Bench**

OA No. 1593/2016

Order reserved on: 09.12.2016

Pronounced on: 14.02.2017

***Hon'ble Mr. V. N. Gaur, Member (A)***

***Hon'ble Mr. Brahm Avtar Agrawal, Member (J)***

Abhay Kumar Dixit

S/o Sh. Mamraj Dixit

Age 29 years, Applied For – Post TGT, Sanskrit, Male (14/13)

OMR Sheet No.150383

Rejection List Sr. No.1,

R/o 18, Ganesh Vihar-A,

Charan Nadi-II, Nadi ka Phatak,

Behad road, Jaipur-302039, Rajasthan.

...Applicant

(By Advocate: Mr. S.K.Jain)

Versus

1. Delhi Subordinate Service Selection Board  
Through its Chairman/Secretary,  
FC-18, Institutional Area,  
Karkardooma, Delhi-110092.

2. Govt. of NCT of Delhi,  
Directorate of Education,  
Through its Director,  
Old Secretariat Building,  
Vidhan Sabha, Delhi-110054.

- Respondents

(By Advocate: Mr. K.M. Singh)

**ORDER**

**Hon'ble Mr. V.N.Gaur, Member (A)**

The short issue involved in the present case relates to rejection of candidature of the applicant for Post Code 04/13 to 19/13 advertised in the year 2013.

2. The case as pleaded by the applicants is that the applicant had appeared in the common examination held for the aforementioned posts and the Post Codes 106/12 to 121/12 along

with other post codes advertised in 2012. According to the applicant, he possessed all the specified qualifications for the posts. However, the respondents rejected his application/OMR sheet for the reason “not having the requisite qualification as on closing date”. The applicant represented against the rejection of his candidature by dropping a representation dated 17.09.2013 in the drop box at reception counter of respondent no.1. The date of examination was declared vide notice dated 27.11.2014 to be held on 28.12.2014. The applicant again submitted a representation in the designated drop box. The applicant appeared in the common examination and secured marks above the cut off marks for the Post Code 04/13 to 19/13 for which his candidature had been rejected.

3. Learned counsel for the applicant submitted that under column 13 of essential qualifications TGT and TGT (MIL) the applicant darkened the bubble against “BA with MIL concerned as Elective” and “CTET Qualified”. The applicant also possessed the degree of B.Ed. which was one of the essential qualifications for the aforementioned Post Code. However, there was no column for mentioning B.Ed. degree. The only column pertaining to the essential qualification stated “Degree/Diploma in teaching SAV Certificate”. Due to this the applicant did not darken the bubble before the aforesaid entry. However, the respondents have interpreted this to mean that the applicant did not have the

essential qualification of “Degree/Diploma in Training Education or SAV certificate”. Learned counsel further submitted that it was an admitted fact that possessing a teaching Degree/Diploma was a pre-requisite qualification for qualifying CTET. Therefore, once the applicant had mentioned that he was CTET qualified the respondents in any case could not have rejected his candidature on the ground that she was lacking a Degree/Diploma in teaching. Learned counsel referred to the order of this Tribunal in OA No.4445/2014 and batch dated 18.12.2015 and also relied on OA No.202/2015 with OA No.203/2015 dated 18.01.2016.

4. Learned counsel for the respondents submitted that the instructions to the candidates for filling up OMR application form are quite clear and elaborate. Applicants have to be very careful while marking the bubbles because these forms are being processed through Optical Mark Reader. Any negligence on the part of the candidates in filling up such forms defeats the very purpose for which these have been introduced because all the forms have to be processed through OMR technology dealing the entire process of selection. Further, the instructions carry a clear warning that in the event of deficiencies or irregularities noticed in the application form it will be rejected summarily. Despite that, after scrutiny of the forms where there are minor deficiencies, notices to the concerned candidates were issued by the respondents giving them a chance to submit objections by submitting representation with documentary

evidence to the Controller of Examination by Speed Post/Regd. Post/Normal Post or may deposit in the designated drop box at DSSSB reception counter latest by 20.09.2013. In response to this notice, several candidates represented and many of them were declared "Additional eligible". However, the applicant did not submit any representation. Therefore, the respondents could not have taken any action to rectify the mistake committed by the applicant in the OMR sheet.

5. We have heard the learned counsel for the parties and perused the record. We agree with the learned counsel for the respondents that the candidates have to be extremely cautious while filling up the OMR sheet and should not take it lightly as such mistakes unnecessarily delay the entire process of selection. However, in this case it is an admitted fact that the applicant fulfils all other essential qualifications except the one mentioned in Point-II under the heading "Essential Qualification" in the advertisement no.1/13 (annexure-3 of the OA) which reads as follows:

“(II) Degree/Diploma in Training Education or SAV certificate”

6. The OMR application form for the post of PGT Sanskrit (Male), a copy of which has been filed by the applicant as Annexure-4, and not been disputed by the respondents, mentions the following under the heading “13. Essential Qualifications TGT & TGT (MIL)” “For TGT (MIL) (Hindi, Sanskrit, Punjabi & Urdu)” :

“Degree/Diploma in teaching SAV Certificate”

7. It should have read “Degree/Diploma in Training Education or SAV certificate”. Without the word “or”, the entry is confusing. A candidate would hesitate in darkening the bubble under column 7 due to this ambiguity. Learned counsel for the respondents replied in affirmation to a question from the Bench whether Degree/Diploma in teaching was an essential qualification for CTET certificate. In that case once a person is CTET qualified, he is bound to have a Degree/Diploma in teaching. The respondents, therefore, at best could have asked for a clarification at the time of verification of documents rather than rejecting the application itself. In OA No.1966/2013 **Ms. Deepika and another vs. Govt. of NCT of Delhi and batch** decided on 02.07.2014, an identical question had come up where some applicants having marked the column of “Registration with Nursing Council” left the column pertaining to “Nursing/Midwifery” blank. The Tribunal, after noting the fact that the latter with Diploma was an essential condition for registration with Nursing Council, had allowed those batch cases. In OAs No.202/2015 and 203/2015 also, similar views have been taken by the Tribunal.

8. We do not agree with the argument of learned counsel for the respondents that once the opportunity was given to the applicant to make representation against the rejection of his candidature and he

did not apply, the respondents were correct in disqualifying him. It is to be noted that, as discussed in preceding para, it was the respondents who did not interpret correctly the implication of possessing the qualification of CTET. Further, column with regard to "Degree/Diploma in Teaching" was confusing as the word "or" was missing which is correctly mentioned in the original advertisement. The applicant has also claimed that he had submitted his representation initially on 17.09.2013 and again on 23.12.2014 by dropping it in the drop box. It is true that there is no proof of submission of these two representations by the applicant but the respondents themselves have permitted submission of representation through drop box where there is no provision for acknowledging receipt and in such a situation applicant cannot be penalised.

9. In the background of the facts and the law as discussed in the preceding paras, the OA is allowed and the respondents are directed that the candidature of the applicant should not be rejected on the ground that the relevant column pertaining to Degree/Diploma in Teaching in the OMR sheet for the Post Code 04/13 to 19/13 was not marked. No costs.

( Brahm Avtar Agrawal )  
Member (J)

( V.N. Gaur )  
Member (A)

‘sd’

14<sup>th</sup> February, 2017