

**Central Administrative Tribunal
Principal Bench**

OA No.1610/2014

New Delhi, this the 14th day of August, 2015

Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)

Shri Subhash Chand Meena,
S/o Shri Moji Ram Meena,
R/o Village – Khohra Chouhan,
Post – Bairar, Tehsil – Rajgarh
Distt- Alwar (Rajasthan)-301408.

...applicant

(By Advocate : Shri R.S. Rai)

Versus

1. Govt. of NCT of Delhi through
Education Department,
Through its Secretary,
New Secretariat,
Delhi.
2. The Deputy Secretary (Secret Cell),
Delhi Subordinate Services Selection Board,
F.C.-18, Institutional Area,
Karkardooma, Delhi-92.

...respondents

(By Advocate : Shri Amit Anand)

ORDER (ORAL)

Mr. A.K. Bhardwaj, Member (J) :-

The learned counsel for the parties are *ad idem* that the controversy involved in the OA is in all fours of the judgment dated 27.05.2015 passed in OA 703/2014 – **Sareen Dabas Vs. Govt. of NCT of Delhi & Ors.** The relevant excerpt of the judgment reads thus :-

8. Ms. Indrani Ghosh, who appeared for applicants in OA-142/2015 (Arun Kumar Yadav and others) submitted that in terms of the instructions mentioned on the top of the question paper, the paper carried negative marking and for each wrong answer 0.25 marks were to be deducted and further the manner in which different questions were to be answered had been explained at the back of the question

paper. According to her, there could be only one correct answer to each question and in the event of their being more than one answers (darkened circles), the answer was to be treated as wrong. In sum and substance, her submission was that the question nos. 73 and 126 had two correct answers while the candidates could have given only one answer, thus, even those candidates who were aware of the correct answers could not attempt the said questions being confusing, as in the event of giving both the correct answers, there could be negative marking. According to her, instead of deducting two marks from total (200 marks) and assessing 40% qualifying marks with reference to reduced marks, the respondents should give two grace marks to all the candidates. To buttress her argument, she made reference to the practice of giving two grace marks in similar circumstances followed by Central Board of Secondary Education. More or less, identical arguments were put forth by Mr. Ashok Aggarwal, learned counsel for the applicants in the respective OAs.

2. In view of the stand taken by the learned counsels for the parties, the OA is dismissed. No costs.

(V.N. GAUR)
Member (A)

(A.K. Bhardwaj)
Member (J)

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