

**Central Administrative Tribunal  
Principal Bench**

**OA No.1674/2017**

New Delhi, this the 25<sup>th</sup> May, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Nitesh Kumar, Age 30 years  
S/o Shri D.N. Prasad  
C-649, IIInd Floor, JVTS Garden  
Chattarpur Extension  
Delhi-110074, Group A  
..Applicant

(By Advocates: Shri R.K. Kapoor and Ms. Kheyali)

Versus

Union Public Service Commission  
Dholpur House, Shahajahan Road  
New Delhi-110069  
Through its Chairman.  
.Respondents

**ORDER (ORAL)**

**Justice Permod Kohli :-**

The applicant is a participant in the Engineering Service Examination 2016. He belongs to OBC category. The examination was held on 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> May, 2016. The applicant was allotted examination centre No.49 at Government Boys Senior Secondary School, Dr. Ambedkar Nagar, New Delhi-110085. The examination was conducted in two parts i.e. first stage and second stage and those

who qualify both the stages are entitled to appear in the third stage on the basis of the criteria laid down by the UPSC. The applicant appeared in the first and second stage examinations. He secured 213 out of 600 in the first stage examination whereas the cut off marks for first stage examination has been declared as 214.

2. The grievance of the applicant is that some construction activities were going on at the examination centre of the applicant and when the examination commenced at 9.00 am, after half an hour suddenly loud noise started coming from the side window and when it continued for more 2-3 minutes, the applicant made a request to the invigilator to make sure that the noise is stopped. It is stated that the invigilator instructed the mason not to go ahead with the work and the work had been stopped. On 28.05.2016, the applicant's sitting arrangement was on first floor of the school building. Approximately at 9.30 am loud noise, heavier than the previous day's, started coming from the window side. The applicant again requested the invigilator to ensure stopping of the construction activity. It is stated that the invigilator requested the mason to stop the work, however, the mason refused to obey the instructions of the invigilator on

the ground that the contractor would abuse him. It is, therefore, stated that because of the disturbance in the examination centre, the applicant could not concentrate which has resulted in securing one mark less than the cut off marks. The test conducted was objective type. The applicant has submitted that there were 120 questions, however, he has not mentioned how many questions he had attempted. The contention of the applicant that his concentration was deviated due to some kind of disturbance cannot be accepted after the result is declared. If this allegation is true, other examinees of the said centre also would have been affected. No written complaint was lodged on the dates of examination with the UPSC by any candidate. It is only after the result is declared that this OA has been filed. It is also not the case of the applicant that no candidate from the said centre No.49 has qualified the exam. It is pertinent to note that the applicant in fact secured 213 marks in the first stage examination i.e. only one mark less than the qualifying marks. This itself demonstrate that the situation at the exam centre was not so bad so as to disturb the examinees to disable them to

carry on with their exam. We do not find any valid ground to interfere in this case. OA is dismissed.

**( K.N. Shrivastava )**  
**Member(A)**

**(Justice Permod Kohli)**  
**Chairman**

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