

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**MA-2309/17 in
OA-2128/17**

**Reserved on: 04.07.2017
Pronounced on : 06.07.2017**

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

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| Pooja Yadav | ... | Applicant |
| (through Sh. Ajesh Luthra) | | |

Versus

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| GNCT of Delhi & Ors. | ... | Respondents |
| (through Sh. Amit Anand) | | |

Mr. Shekhar Agarwal, Member (A)

Following prayer has been made in this MA:

"In view of the facts and circumstances mentioned above it is most humble prayed that this Hon'ble Tribunal may be pleased to restrain the respondents from notifying the final answer key of TIER-I and allow the applicant 3 weeks time to submit objections as provided vide Notice dated 18.05.2017 to the draft answer key notified on 29.06.2017 without any condition of depositing Rs. 1000 per question and maximum limit of 300 characters as well as maximum limit of 300 characters as well as maximum size of 1 mb for uploading documents in support of objections."

2. Learned counsel for the miscellaneous applicant submitted that vide notification dated 18.05.2017 uploaded on the website of DSSSB

(www.dsssb.delhigovt.nic.in), following instructions were given to the candidates:

- “Detailed instructions, Guidelines and Syllabus etc. relating to aforesaid post codes are available on the website of the Board: www.dsssb.delhigovt.nic.in. Tentative schedule for post examination activities is as follows:-
 - Publication of draft answer key on 10/07/2017.
 - Filing of Objection(s) which will be accepted only through online challenge to draft answer keys between 10/07/2017 to 17/07/2017.
 - Publication of final answer keys on 01/08/2017.
 - Publication of marks list on 16/08/2017.

3. However, subsequently in a notice issued on 29.06.2017, the respondents have changed the schedule and allowed time only up till 03.07.2017 to the candidates for filing objections to the answer key. Further, in this notice, it has been stipulated that a fee of Rs. 1,000/- per objection shall be charged from the candidates which shall be forfeited if the challenge is not successful. In case the challenge is successful, then it shall be refunded. It has also been laid down that the justification for challenge including supporting documents has to be given in maximum of three hundred characters and uploaded in pdf/jpeg format through a file with maximum size of 1MB. Learned counsel Sh. Ajesh Luthra argued that with the imposition of all these conditions, the respondents have seriously curtailed rights of the candidates to file objection to the model answer key. Thus, the time provided has been reduced from seven days to five days. Moreover, a fee of Rs. 1,000/- has been imposed and restriction has also been imposed on the size of the justification to be given for challenge. He further submitted that this new notice has been uploaded on a website which was different from the website mentioned in the notification dated 18.05.2017. Consequently, many candidates were unlikely to even become aware of these revised conditions and file objections to the model answer key on time. He also

stated that the applicant wanted to challenge answers to 52 questions but was finding herself unable to raise Rs. 52000/- for this purpose.

4. Learned counsel Sh. Amit Anand appeared for the respondents on advance notice. He submitted that revision in schedule was necessitated by orders of Hon'ble High Court of Delhi in Writ Petition No. 8421/16 in the case of ***M/S Shiv Bhole Sales Corporation vs. Commissioner of Delhi Value Added Tax and Anr.*** dated 21.04.2017 in which directions had been given to DSSSB to complete the selection process for Grade II DASS by May to July of this year. Sh. Amit Anand further argued that the curtailment of time was only by two days as earlier seven days were allowed to the candidates to file objection and in the revised notice, five days have been permitted. He also submitted that individual messages were sent to candidates regarding this revised schedule and that is the reason why even the applicant has come to know about the same. Thus, the uploading of this new notice on a different website was of no consequence. He further argued that many examining bodies were charging fees for filing objections to the model answer key. In this regard, he gave the example of JEE Mains Examination. He said that this fee had been imposed in order to eliminate or substantially reduce frivolous objections. Moreover, the respondents had also stipulated that if the challenge was successful, then this fee would be refunded. He also submitted that the examination in question was objective type and to challenge the answer in model answer key, the size of the file permitted or the limit of three hundred characters imposed in the remarks was more than adequate. Thus, he argued that fair chance was being given to the candidates to make any serious challenge to the model answer key.

5. We notice that the judgment of Hon'ble High Court of Delhi which according to the respondents necessitated revision of schedule was delivered

on 21.04.2017 in presence of Chairman, DSSSB. The earlier schedule was notified by the respondents on 18.05.2017, i.e., almost three weeks after the judgment of Hon'ble High Court. Since, Chairman, DSSSB was present in the High Court when the aforesaid judgment was delivered (as is evident from the order), it cannot be said that DSSSB was not aware of the directions of Hon'ble High Court. Therefore, there was no need to first notify the schedule on 18.05.2017 and then changing it six weeks later on 29.06.2017.

6. Be that as it may, we notice that if the respondents adhere to schedule of notice dated 18.05.2017, the marks list can only be published on 16.08.2017 that is beyond that time limit set by Hon'ble High Court. Hence, the respondents were justified in compressing the schedule to enable the completion of selection process within the month of July, 2017. We are also satisfied that the restriction on the size of file and the limit imposed of three hundred characters for giving justification to the challenge to every question of the answer key would ordinarily suffice since the questions were of objective type and of general nature. Further, under the circumstances, the respondents can also not be faulted for imposing a fee of Rs. 1,000/- for every question challenged in order to eliminate frivolous challenge. Had they not done so, it was likely that they would have been bombarded with so many challenges that it would not have been possible for them to deal with all of them in the limited time frame available to them for completion of the selection process. As far as changing of website is concerned, for notifying the revised schedule, the respondents had submitted that they had sent individual messages to the candidates. This position was disputed by learned counsel for the applicant. However, there cannot be any dispute that as far as applicant is concerned, she has come to know about the revised schedule on time and therefore has no reason to come to complain. The time given to the candidates has been curtailed from seven to five days.

This, in our opinion, is not very significant and has to be accepted in view of the directions of Hon'ble High Court to complete the entire selection process by the month of July.

7. In view of the above, we do not find any merit in this MA and dismiss the same.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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