

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

OA-2773/2016

New Delhi, this the 23rd day of September, 2016.

Hon'ble Mr. P.K. Basu, Member (A)

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

Sh. Amit Kumar, 29 years
S/o Sh. Harpal Singh,
R/o Village Bazidpur Post
Bazidpur Patti Garhi Baghpat,
Uttar Pradesh.

.... **Applicant**

Versus

1. Staff Selection Commission
through its Chairman,
Headquarters, Block No.12,
CGO Complex, Lodhi Road,
New Delhi-3.

2. Director General NCB West
Block 1, Wingh NO. 5 R.K.
Puram, New Delhi-110066.

3. Union of India through
its Secretary Home,
West Block No.1, Wing No.5,
R.K. Puram, New Delhi-110066.

.... **Respondents**

(by Advocate : Sh. Ramjan Khan for Sh. Hanu Bhaskar)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

This matter has been remanded back to the Tribunal for final hearing.

2. The applicant is aggrieved by the fact that his candidature has been cancelled for the post of Assistant Sub-Inspector in CISF, SI in CPO's and Intelligence Officers in NCB Examination, 2011 on the ground that there were admitted irregularities in the examination and that unfair methods had been used in the examination and the applicant was also part of it. This led to the

debarment of his candidature. He relies on judgment dated 07.01.2016 of the Hon'ble High Court of Punjab & Haryana in CWP No. 19500/2015 in which a similar issue had come up and candidature was cancelled and candidate debarred for 3 years based on expert analysis of answers. Their Lordships concluded that such analysis does not give incontrovertible and reliable evidence of malpractice and dismissed the Writ.

3. This Tribunal has considered similar matter in OA No. 930/2014 with connected cases, which was disposed of on 30.07.2014 and very recently in OA No. 1446/2015, disposed of on 21.09.2016, have held the view that statistical processes using algorithms, while it may be a method to indicate some abnormality has taken place cannot be conclusive evidence to indict any candidate unless it is proved that he himself has indulged in any malpractice and, therefore, this method of cancellation of candidature is against the principle of natural justice.

4. In view of this, the Show Cause Notice dated 29.07.2016 is quashed and set aside. OA is allowed in above terms. No costs.

(Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member(A)

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