

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.3377/2015

This the 11th day of January, 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)

Jigyasa Nayak W/o Uday Bhanu Singh Nayak,
R/o F-85, Nanak Pura, South Moti Bagh,
New Delhi-110021.

... Applicant

(By Advocate : Mr. Dipesh Choudhary for Mr. K. U. Bhan Singh)

Versus

1. Union of India through
Cabinet Secretary,
Office of Cabinet Secretary
Rashtrapati Bhawan,
New Delhi-110001.

2. Director General of Security,
Directorate General of Security,
Cabinet Secretariat, Block-V (East),
R. K. Puram, New Delhi-110066.

3. Special Secretary,
Aviation Research Centre,
Office of the Cabinet Secretariat,
Bikaner House, Near India Gate,
New Delhi-110001.

... Respondents

(By Advocates: Mr. Rajesh Katyal)

O R D E R

Justice Permod Kohli, Chairman :

The applicant is working as Assistant Field Officer (Tec.) in the respondent-department since 2008. Applications were invited vide

departmental memo dated 08.05.2013 for filling up the post of Deputy Field Officer (Tec.) through lateral departmental competitive examination (LDCE). The last date for submission of application form was 20.06.2013. Total 30 vacancies were advertised with the following break-up:

23 UR; 5 SC; 2 ST

The department further prescribed that the cut-off percentage for qualifying the examination was 40% in individual paper along with 50% of total aggregate. The date for conduct of the LDCE was fixed on 28th and 29th October, 2013. The candidates who applied for the examination were required to qualify three papers, namely, Basic Electronics, Communication Engineering and General Knowledge & General English.

2. The applicant claims to have completed five years and seven months service on the post of Assistant Field Officer and having excellent academic record possessing diploma in Electronics & Communication Engineering besides B.Tech Degree in Electronics & Telecommunications Engineering. She also claims to be pursuing M.Tech from Guru Gobind Singh Indraprastha University, Delhi. It is stated that the applicant attempted all the three papers 100% to the best of her knowledge and ability. The result of the examination was declared, and out of 22 candidates in the general category, only one

has been declared qualified. It is stated that earlier also the applicant had appeared in direct recruitment examination for the same post in the year 2011, and though she did well in the written examination and interview, but was not selected.

3. It is further the case of the applicant that she was informed that in the LDCE 2013 she had cleared two papers and did not score well in communication engineering exam. Only one candidate, namely, Ishwar Singh, has passed the said examination, who has been selected. The applicant has alleged that she got suspicious about the checking of the papers when she was informed by the Deputy Director (Personnel) that the papers had been checked outside. The applicant seems to have asked for examining her answer sheet, but her request was declined. In para 4.11 of the OA the applicant has alleged that she has reasons to believe that evaluation as well as re-evaluation of her papers has been influenced by the officers who were against her, as she had complained against her non-selection to higher authorities. The applicant represented her case to the respondent No.3 vide representation dated 26.12.2013, followed by representation dated 15.09.2014 and another representation dated 12.03.2015. The applicant has apprehended that her answer-sheets would be deliberately destroyed. On account of her non-selection, this OA has been filed seeking following reliefs:

- “a) Quash the result of L.D.C. Examination 2013 and further quash the appointments in pursuance of the same;
- b) Direct the concerned officials of the Respondents to show the answer sheets of the Applicant of the L.D.C. Examination 2013 of all the three papers, at the earliest.
- c) Direct the Respondents to conduct an enquiry in the selection process of candidates in the Respondent department and further direct that erring officials be identified and punished in accordance with law.
- d) Direct the respondent department to re-evaluate the answer sheets of the Applicant and on being found successful she may be appointed to the post of D.F.O. (Tech.) w.e.f. 2013 with all consequential benefits as per service rules.”

4. The respondents have filed a detailed counter. In the preliminary objections details of the examination have been given. It is stated that vide circular dated 08.05.2013 applications were invited from Assistant Field Officer (Tech) [AFO (T)] in DG(S) having three years' regular service in the grade as on 01.01.2013 for appearing in LDCE, 2013 for the post of Deputy Field Officer (Tech.) [DFO(T)]. The said advertisement was for 30 vacancies (UR-23, SC-05 and ST-02). In accordance with the circular a candidate had to appear in three papers of 100 marks each, i.e., (1) Electronics, (2) Communication Engineering, and (3) General English & General Knowledge. Duration of the examination for each paper was 2 hours. The circular further prescribed minimum qualifying standard for examination as 40% for each paper and 50% in aggregate for all the papers. The respondents have stated that as many as 22 eligible

departmental candidates applied for the written examination. The examination for electronics & communication engineering was held on 28.10.2013, and for general English and general knowledge on 29.10.2013. It is further stated that out of 22 candidates called for the examination, 21 candidates appeared in the written examination, and one candidate remained absent. The applicant who participated in the written examination did not meet the qualifying criteria on two counts - (i) she did not qualify in paper-II, i.e., communication engineering in which she secured 36 marks only as against the required 40, and (ii) her overall aggregate (139.5) was below 50% aggregate criteria (300). Only one candidate, out of 21, qualified in the examination as per the laid down criteria. The result was declared on 17.12.2013. The applicant submitted a representation on 26.12.2013 requesting for re-checking of her relevant evaluation sheet. On 17.01.2014 she was informed that re-totalling had been done and result as earlier declared stood. She again submitted a representation on 20.01.2014 in which she stated that she was not satisfied with the verbal reply given to her by the Deputy Director (Pers.). It is further stated that the applicant was informed that she had secured only 36 marks in communication engineering, whereas she had qualified the other two papers. According to the respondents, on the basis of her representation dated 20.01.2014, her answer-sheet of communication engineering was re-evaluated by two other senior officers having

knowledge of the subject, but no discrepancy was found and the applicant was informed accordingly.

5. During the course of hearing, on the last date of hearing, learned counsel for the applicant insisted for examination of the answer-sheet of the applicant. Mr. Rajesh Katyal, learned counsel appearing for the respondents was accordingly asked to produce the answer-sheet of the applicant, which he has produced today. We have perused the original answer-sheet. Initially the applicant expressed her apprehension that the answer-sheet might have been manipulated or swapped with somebody else's answer-sheet. She was shown the answer-sheet produced by the respondents. She admitted that this belongs to her. We thereafter carefully examined the answer-sheet. The answer-sheet has been evaluated and totalling is also correct. The applicant has secured 36 marks out of 100 in the paper of communication engineering, and thus has been rightly not declared qualified. No other ground is urged.

6. We find no merit in this Application. Dismissed.

7. Original record is returned to Mr. Rajesh Katyal.

(Nita Chowdhury)
Member (A)

(Justice Permod Kohli)
Chairman

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