

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

OA No. 3020/2015

Reserved on: 15.03.2017
Pronounced on: 17.03.2017

**Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Ms. Soni Sehrawat, Age 29 years,
W/o Sh. Abhishek Rana,
H.No.73, Village Nangli Poona,
Delhi-110036

- Applicant

(By Advocate: Mr. Amish Dabas)

VERSUS

1. Delhi Subordinate Services Selection Board,
Government of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi-110092

 2. Directorate of Education,
Government of NCT of Delhi,
Old Secretariat, Delhi-110054
- Respondents

(By Advocate: Ms. Ritika Chawla)

ORDER

Per K.N. Shrivastava, Member (A):

The applicant, through the medium of this OA filed under Section 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:-

- ñi. quash and set aside the result no. 405 dated 24.06.2015 declared and published by Respondent No.1 for the post of Assistant Teacher (Primary) (Post Code 101/12), Directorate of Education, GNCTD;

- ii. issue an appropriate order or direction thereby directing the Respondent No.1 to rectify the aforesaid two wrong answers mentioned in the Answer Key and consequently, re-evaluate and revise the marks of the Applicant;

- iii. issue an appropriate order or direction thereby directing the Respondent No.1 to include the name of the Applicant in the list of candidates, which have been provisionally selected and recommended for appointment to the said post vide result no. 405 dated 24.06.2015;
 - iv. pass an appropriate order thereby directing that the final selection and appointment of the candidates for the aforesaid post shall be subject to the outcome of the present Application;
 - v. issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.ö
2. The brief facts of the case are as under:-
- 2.1 Respondent no.1, vide Advertisement No. 02/2012, invited applications for the post of Assistant Teacher (Primary) (Post Code 101/12) in the Directorate of Education, GNCT of Delhi. The applicant had also participated in the selection process. Respondent no.1, after completion of the selection process, published a provisional list of selected candidates vide Result Notice No. 405 dated 24.06.2015. The selected candidates were recommended for appointment to the post of Assistant Teacher. The applicant was not selected.

2.2 Respondent No.1, as a matter of practice and procedure, published the ~~Answer Key~~ on 29.08.2013 (Annexure-E) after the examination. The applicant, vide his Annexure-F email dated 05.09.2013, informed respondent no.1 that the answers given in the ~~Answer Key~~ in respect of question nos. 64, 94, 145, 190 and 197 were wrong. According to him, the correct answers to these questions were ~~D~~ ~~C~~ ~~B~~ ~~A~~ and ~~B~~ respectively, whereas in the Answer

Key, the answers have been wrongly indicated as :-BØ, :-AØ, :-CØ, :-DØ and :-DØ respectively. According to the applicant, if the correct answers of the *ibid* five questions, as stated by the applicant, are to be considered by respondent no.1, then the applicant would get selected to the post. As no action was taken on his email representation, the applicant filed this instant OA praying for the reliefs as indicated in opening para of this order.

3. Pursuant to the notice issued, the respondents entered appearance and filed the reply. The Tribunal, during the course of hearing of the case on 19.12.2016, directed the respondents to file a short affidavit indicating therein the following:-

- ö(i) questions which were having defective answers as pointed out in various representations and which were considered by the expert body;
- (ii) whether the representation dated 05th September, 2013 (Annexure f) of the applicant was also referred to the said expert body.ö

4. As per the said directions, the respondents filed an additional affidavit, wherein they have stated that many representations, against the alleged wrong answers in the :-Answer KeyØ, were received from unsuccessful candidates, including the applicant and that all such representations were sent to an expert body. Specific averment qua the applicant to this effect has been made by the respondents in para 3 of the additional affidavit.

5. The respondents have stated in the additional affidavit that the expert body, after considering the representations, came to the conclusion that the answers in respect of question nos. 145 and 190

were indeed wrong. The correct answers for these questions were $\neg B\phi$ and $\neg A\phi$ respectively (as stated by the applicant) and not $\neg C\phi$ and $\neg D\phi$ (as originally contained in the \neg Answer Key ϕ). The respondents have further averred that the answers in the \neg Answer Key ϕ in respect of these two questions, i.e. Nos. 145 and 190, have since been corrected and the selection list has been revised. Accordingly, the candidates have been recommended for appointment.

6. Argument of learned counsel for the parties was heard on 15.03.2017.

7. Learned counsel for the applicant was not satisfied with the finding of the expert body, regarding the correctness of answers to question nos. 94 and 197 and insisted that their correct answers of these two questions are same, as stated by the applicant.

8. Considering the fact that all representations, including that of the applicant, against the alleged wrong answers in the \neg Answer Key ϕ have been duly considered by an expert body and based on the recommendation of the expert body, the corrective measures have already been taken and implemented by the respondents, we are of the view that nothing survives in this OA. Accordingly, the OA is disposed of. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

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