

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3278/2014

M.A.No.2803/2014

M.A.No.4090/2014

with

O.A.No.3277/2014

M.A.No.4191/2014

M.A.No.2804/2014

O.A.No.3276/2014

Order Reserved on: 30.11.2017

Order pronounced on 07.12.2017

Hon'ble Shri V. Ajay Kumar, Member (J)

Hon'ble Ms. Nita Chowdhury, Member (A)

O.A.No.3278/2014

1. Shamsheer Kharab (Age 25 years)
S/o Sh. Satdev Kharab
R/o Adarsh Nagar, H.No.2/3/5
Gali No.4, Gohana, Haryana.
2. Sumit (Age 23 years)
S/o Sh. Suresh Sharma
R/o H.No.438/34
Janta Colony, Rohtak, Haryana-124001.
3. Sumit Kumar Bhat (Age 22 years)
S/o Sh. Sher Singh Bhati
R/o H.No.395, Village & Post-Wair
District-Bulandshahr, U.P.-203202.

4. Vikas Ravish (Age 24 years)
S/o Sh. Subhash Chander
R/o H.No.636/12, Gali No.9
Amargarh Colony, Kaithal Haryana-136027.
5. Ravinder (Age 24 years)
S/o Sh. Surajmal
R/o VPO Jagsi, The-Gohana
Distt. Sonapat (Haryana).
6. Rahul Yadav (Age 23 years)
S/o Sh. Govind Singh Pal
R/o 4B, 101, Hanspuram Colony
Awass Vikas, Naubasta, Kanpur Nagar -208021.
7. Akash Ratan Rahul (Age about 25 years)
S/o Sh. Ram Ratan Pandey
R/o H.No.384, Hakikat Nagar
Kingsway Camp, New Delhi-9.
8. Puneet Kumar Verma (Age 27 years)
S/o Sh. Jagdish Prasad Verma
R/o 31/180/12B, Guru Govind Nagar
Near Phool Kali School
Rajpur Chungi, Agra, U.P.-282001.
9. Ramandeep Kumar (Age 26 years)
S/o Sh. Inderjet Kumar
R/o H.No.169, Village Kajheri (UT)
Chandigarh – 160 036.
10. Saurabh Singh Pal (Age 23 years)
S/o Sh. Govind Singh Pal
R/o 4B, 101, Hanspuram Colony
Awass Vikas Naubasta, Kanpur Nagar-208021.

11. Manoj Kumar (Age 26 years)
S/o Sh. Jage Ram
R/o VPO Malav, Teshil Khair
Distt. Aligarh – UP – 202165.
 12. Onkar Nath Dubey (Age 26 years)
S/o Sh. Gulab Chandra Dubey
R/o C-141, Street No.6, West Karawal Nagar
Delhi – 94.
 13. Vrij Kishore Daunaria (Age 28 years)
S/o Sh. Hari Shankar
R/o 808 Sector 5 Awas Vikas Colony
Sikandra, Agra.
 14. Randhir Kumar (Age 36 years)
S/o Late Sh. Ram Vilash Prasad
R/o I/303, Shuakn City Near Anand Party Plot
GST Crossing Road, New Ranip Ahmedabad
Gujarat – 382470.
 15. Deepak Kumar (Age 24 years)
S/o Sh. Vijay Pal
R/o Vilage Lohchabka, P.O. Nand Kalan
Distt. Gurgaon, Haryana.
 16. Prathik Ramesh Patil (Age 26 years)
S/o Ramesh Patil
R/o B-601, Ashapura Dham
Sec.16, Plot No.3 Palm Beach Road
Near Moraj Residency, Navi Mumbai
Sanpada – 400705.
- ... Applicants

(By Advocate: Shri Ajesh Luthra)

Versus

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

... Respondent

(By Advocate: Sh. S.M.Arif)

with

O.A.No.3277/2014

1. Vikash Kumar (Age 30 years)
S/o Sh. Sadanand Prasad
C/o Sh. Avinash Kumar
Add-15B/202 Income Tax Colony
Near Rambaug, Powai, Mumbai.

2. Deepesh Soni (Age 25 years)
S/o Sh. Dinesh Kumar
R/o Futera Ward No.3 Millon Hotel Damoh, M.P.

3. Mastram Meena (Age 26 years)
S/o Sh. Laddulal Meena
R/o 29A Near Panni Ki Tanki
Madhuban Colony Kherda, Sawai
Madhopur, Rajasthan – 322001.

4. Anoop N S (Age 24 years)
S/o Sh. J. Nelson
R/o Christ Bhavan, TC 5/734(1)
Padmavilasm Lane 68, Perurkada P.O.
Trivandram, Kerala.

... Applicants

(By Advocate: Sh. Ajesh Luthra)

Versus

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

... Respondent

(By Advocate: Sh. S.M.Arif)

O.A.No.3276/2014

Rohit Kumar (Age 26 years)
S/o Sh. Hari Mohan Chaudhary
R/o Shakti Nagar, Near Baijraj Colony
Bijnor-246701, Uttar Pradesh.

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Applicant

(By Advocate: Sh. Ajesh Luthra)

Versus

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

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(By Advocate: Sh. S.M.Arif)

O R D E R (Common)

By V. Ajay Kumar, Member (J):

As the question of law and facts involved in the aforesaid OAs, are identical, they are being disposed of by this common order. For

the sake of convenience, we have taken the facts of OA No.3278/2014 for consideration.

2. The applicants in all these OAs are the candidates for the Combined Graduate Level Examination-2013 (in short, CGLE-2013) for recruitment to different posts of the Government for which Graduation from a recognized University is the minimum qualification. The Staff Selection Commission conducted the Tier-I Examination of the CGLE-2013 on 27.04.2014 at different centers and the applicants participated therein. However, since the applicants wrongly coded their Test Form Number on their Optical Mark Recognition (in short, OMR) answer-sheets while writing the Tier-I Examination, they were allotted `O' marks.

3. The details of the mistakes committed by the applicants in OA No.3278/2014 while coding their Test Form Number, as per the counter of the respondents and as per the copies of the OMR answer-sheets enclosed thereto, are as under:

Sl. No.	Name of the applicant	Test Form No.	Wrongly coded Test Form No.
1	Shamsher Kharab	666"Q"M7	666[O]M7, he had coded "O" instead of "Q"
2	Sumit	682L J6	He had wrongly written the TFN. 682L J2 and coded accordingly, however, his original TFN was 682L J6
3	Sumit Kumar Bhati	682L J6	682L[][], as he did not code J & 6
4	Vikas Ravish	555PK6	555PK [5], he had coded 5 instead of 6
5	Ravinder	777RI8	77[1]R18, he had written wrong TFN and coded accordingly. It is submitted

			that he had written 1 instead of 7
6	Rahul Yadav		He had not written and coded the Test Form No.
7	Akash Ratan Rahul	666QJ7	666[O]J7, he had coded "O" instead of "Q"
8	Puneet Kumar Verma	666QJ7	He had not coded fully as per instructions for marking.
9	Ramandeep Kumar	592KH4	59[1]KH4, he had coded 1 instead of 2
10	Saurabh Singh Pal	592KH4	529KH4, he had wrongly written and coded Test Form No.
11	Manoj Kumar	016MN6	016[] [], he had not coded last three digits.
12	Onkar Nath Dubey	111LH2	112LH2, he had wrongly written and coded Test Form No.
13	Vrij Kishore Daunaria	222MN3	220MN3, he had wrongly written and coded the Test Form No.
14	Randhir Kumar	152SG3	[O]52SG3, he had wrongly written and coded the Test Form No.
15	Deepak Kumar	682L J6	68[]L J6, he had not coded 2
16	Prathik Ramesh Patil		He had not written and coded the Test Form No.

4. Since as per the instructions of the examination, answer-sheets with incorrect coding of any of the particulars would be awarded 'zero' marks, and since the OMR sheets are evaluated by a machine which recognizes only optical marks, all the applicants were awarded 'zero' marks in Tier-I Examination. Aggrieved by the same, they filed the OA.

5. This Tribunal, while issuing notices to the respondents, as an interim measure, directed the respondents to allow the applicants to appear in the Tier-II Examination, provisionally, and not to declare their results without its leave. Accordingly, the applicants participated

in Tier-II Examination also. Thereafter, the respondent-SSC has declared the results of all others and accordingly all the vacancies notified were filled up. The SSC has also issued subsequent Notifications for CGLE Examinations for the subsequent years.

6. Heard Shri Ajesh Luthra, the learned counsel for the applicants and Shri S.M.Arif, the learned counsel for the respondents, and perused the pleadings on record, including various decisions on which both the counsel placed reliance.

7. Now, it is settled that the applications or candidatures or selections shall not be rejected, normally, by the authorities, if the mistakes committed by the applicants are minor, insignificant, non-substantive, non-material and can be cured, if otherwise establishes the identification of the person concerned, and does not dilute the confidentiality required in evaluating the answer-sheets. Hence, each case has to be decided on its individual facts and the nature of the mistake and its impact on the evaluation of the examination paper.

8. In fact, certain decisions, on which the applicants' counsel placed reliance such as OA No.1413/2014, dated 07.12.2015 in **Ms. Kritika Raj v. Staff Selection Commission (Hqrs.)**, (where one post was reserved for the applicant at the time of admission of the OA, as an interim measure), in support of the OA averments, pertaining to the very same CGLE-2013, and the orders therein were said to have been complied with. The issue in **Ms. Kritika Raj** (supra) was that she passed the Tier-I, Tier-II, Interview and was allotted to the post of

Inspector in Central Excise originally, but later in view of revised ranking due to awarding of 'O' marks in Module-3 of Computer Proficiency Test, as she wrongly mentioned her Roll number was allotted Assistant post. The said mistake of the applicant was condoned in the facts therein. The selection process of CGLE-2013 includes not only Tier-I and Tier-II Examinations but also Interviews and Computer Proficiency Tests, etc. depending on the post for which option was given.

9. Admittedly, as the applicants failed to code the Test Form Number rightly in their OMR answer-sheets of Tier-I Examination, they were awarded 'zero' marks for the same. The subject CGLE Examination was of 2013. Since no vacancies were reserved or the process was not stayed, the answer-sheets of all the candidates, other than the applicants herein, were evaluated for Tier-I and Tier-II Examinations, and as per the merit position, selected persons were appointed against the vacancies notified under the subject Notification. Even, if the OMR answer-sheets of the applicants are directed to be evaluated, at this belated stage, i.e., after a lapse of about 4 years, and if any of the applicants secured enough marks, there would be no vacancies to accommodate them. It is to be seen that though the approach should be to condone the minor indiscretions/mistakes, but it cannot be termed as a right of a candidate, who admittedly committed a mistake, and therefore, in the peculiar facts of the present OAs, we do not find any justification to issue any directions to the respondents first to evaluate the Tier-I examination of the applicants and then if

any one of them qualified therein, to evaluate the Tier-II examination and again if any one of them qualified, to conduct interview and Computer Proficiency Tests, specially for them and to create supernumerary posts or to accommodate them in future vacancies etc., at this belated period of time.

10. In the circumstances and for the aforesaid reasons, the OAs are dismissed. Pending MAs, if any, stand disposed of accordingly. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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