

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NOS.3657 & 4258 OF 2015

New Delhi, this the 8th day of January, 2016

CORAM:

HON'BLE SHRI B.K.SINHA, ADMINISTRATIVE MEMBER

&

HON'BLE SHIR RAJ VIR SHARMA, JUDICIAL MEMBER

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In O.A.No.3657 of 2015:

1. Ankit Kumar,
s/o Sh. Yashveer Singh,
R/o Gali No.8, H.No.308 Mandoli,
Ext.Delhi 110093
Aged about 22 years
2. Tinkoo,
s/o Sh.Ramdhari,
R/o VPO-Kulasi,
The-B.Garh,
Distt. Jhajjar,
State-Haryana 124507
Aged about 22 years
3. Anil Kumar,
s/o Sh.Jaipal Singh,
R/o A-25B, Indrapuri, Loni (Gzb)-201102
Aged about 24 years
4. Pushpendra Kumar,
S/o Sh.Mukhatyar Singh,
R/o Village-Silarpur The-Neemrana,
Dist.Alwar (Raj)
Aged about 26 years
5. Takdir,
s/o Sh.Dhanraj

R/o V.P.O.-Panchi Jattan The-Ganaor,
Dist.Sonipat 131102
Aged about 24 years

6.

Manoj
s/o Sh.Bhim Singh,
R/o Delhi Road, Near Bank of India,
Kharkhoda, Sonapat, Haryana 131402
Aged about 23 years
7.

Sunil Kumar
s/o Sh.Rammeshwer Dass,
R/o R 88A Haridas Enclave Jharoda Kalan,
NewDelhi 110072
8.

Mandeep
s/o Raj Singh,
R/o RZ-147, Baba Haridas Enclave, V.P.O. Jharoda Kalan,
New Delhi 110072
Aged about 22 years
9.

Sachin Tomar,
S/o Sohan Vir Singh,
R/o H.No.332, Gali No.1,
Phase 4, Shiv Vihar Delhi 110094
Aged about 25 years

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Applicants

(By Advocates: S/Shri Sourabh Ahuja & Ajesh Luthra)

Vs.

1.

Commissioner of Police,
PHQ, MSO Building,
IP Estate, New Delhi
2.

Deputy Commissioner of Police,
Recruitment Cell,
New Police Lines,
Kingsway Camp
Delhi

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Respondents

(By Advocate: Shri Amit Anand)

In OA No.4258 of 2015:

Anuj Kumar,
 s/o Sh.Prem Singh,
 R/o V&PO Gohra Almgirpur,
 District Hapur (UP),
 Roll No.102219,
 Aged around 24 years

í í .. Applicant

(By Advocates: S/Shri Sourabh Ahuja & Ajesh Luthra)

Vs.

1. GNCT of Delhi,
 Through its Chief Secretary,
 Delhi Secretariat, Players Building,
 I.P.Estate, New Delhi.
2. Commissioner of Police,
 Delhi Police,
 Police Headquarter, I.P.Estate,
 MSO Building, New Delhi
3. Deputy Commissioner of Police,
 Recruitment Cell,
 Through the Commissioner of Police,
 Police Headquarter,
 I.P.Estate, M.S.O.Building,
 New Delhi
4. DCP (Establishment),
 Through the Commissioner of Police,
 Police Headquarter,
 I.P.Estate, M.S.O.Building,
 New Delhi

í í . Respondents

(By Advocate: Shri Amit Anand)

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ORDER**RAJ VIR SHARMA, MEMBER(J):**

These two Original Applications, which involve common questions of fact and law, have been heard together. Shri Ajesh Luthra, the learned counsel appearing for the applicants, and Shri Amit Anand, the learned counsel appearing for the respondents, have advanced their arguments which are common in both the O.As. Therefore, we are proposing to decide both the O.As. by this common order.

2. In OA No. 3657 of 2015 the applicants have prayed for the following reliefs:

- õ(a) quash and set aside the impugned results of selection placed at Annexure A/1 and/or
- (b) direct the respondents to re-evaluate the answersheets of the applicants and award credit marks to them for the correct answers to the questions detailed in the OA and
- (c) to further consider the applicants for appointment to the post of Constable (Exe) and ultimately appoint them with all consequential benefits
- (d) if need be, for grant of prayers made above, the respondents be directed to revise the entire result
- (e) award costs of the proceedings and
- (f) pass any other order/direction which this Honøble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case.ö

3. In OA No. 4258 of 2015, the applicant has prayed for the following reliefs:

- õ(a) Quash and set aside the impugned result dated 17-20/07/2015. And
- (b) Direct the respondents to rectify the answer key with regard to Question No.55,56 and 75 of Set -Cø as mentioned herein above. And ó

- (c) Direct the respondents to re-evaluate the answer sheet of the Applicant and award at least 3.5 marks to the Applicant for giving correct answers to the question no.55 and 56. And
- (d) Direct the respondents to consider the name of the Applicant for appointment to the post of Constable (Exe.) in Delhi Police and further appoint him with all consequential benefits and if the need so arise the respondents may kindly be directed to revise the entire result. And
- (e) Award cost in favour of the Applicant and against the respondents. And/or
- (f) pass any further order, which this Honøble Tribunal may deem fit, just equitable in the facts and circumstances of the case.ö

4. In the year 2013, the respondent-Delhi Police issued the advertisement inviting applications from eligible persons for filling up 523 (UR-262, OBC-142, SC-79 and ST-40) vacancies in the post of Constable (Executive)-Male in Delhi Police. In response thereto, the applicants submitted their applications and participated in the selection process. Upon their qualifying the Physical Endurance & Measurement Tests, the applicants, along with other candidates, appeared in the written test conducted by the respondent-Delhi Police on 8.3.2014. The respondent-Delhi Police cancelled the said written test held on 8.3.2014 and again conducted the written test on 24.5.2014, in which the applicants appeared. The respondent-Delhi Police once again cancelled the written test held on 24.5.2014 and conducted a fresh written test on 16.11.2014, in which the applicants, along with other candidates, appeared. The written test consisted of one objective type multiple choice question paper of 100 marks. In compliance with the direction contained in the order dated 19.5.2015 passed by the Tribunal in OA Nos.4269 & 4475 of 2014, on 13.7.2015 the respondent-Delhi Police

published the list of selected candidates on the basis of the written test held on 16.11.2014. Thereafter, on 17.7.2015, a revised list of selected candidates was published by the respondent-Delhi Police.

5. In OA No.3657 of 2015, it is the case of the applicants that although some of them were included in the list of selected candidates published on 13.7.2015, none of them was included in the revised list of selected candidates published on 17.7.2015. They were informed by the respondent-Delhi Police that they respectively obtained 71.211, 68.8409, 69.33, 71.25, 71.211, 72.95 & 71.29 marks in the written test, and that the last selected candidate belonging to UR category obtained 73.01 marks, and the last selected candidate belonging to OBC category obtained 71.29 marks in the written test. Upon comparing their entitlements of marks in respect of the answers given by them in the answer sheets, it was found by them that they were entitled to 76.211, 73.09, 74.33, 76.25, 74.71, 77.95 and 76.29 marks respectively, whereas they were awarded 71.211, 68.8409, 69.33, 71.25, 71.211, 72.95 & 71.29 marks respectively because of the wrong answer key in respect of question nos.55, 56, 71, 86 and 90 (vide Set-C question paper), which was furnished to them by the respondent-Delhi Police. This apart, the applicants also claim that the question no.75 was void inasmuch as none of the four options towards answer to the said question was correct. Thus, it is submitted by the applicants that had the respondent-Delhi Police evaluated their answer sheets correctly and given credit to them for their correct answers, they would have definitely scored higher marks than what have

been awarded to them, and would have been selected. It is also claimed by the applicants that question no.75 ought to have been deleted by the respondent-Delhi Police while evaluating the answer sheets of the candidates and preparing the result of selection.

6. In OA No.4258 of 2015, it is the case of the applicant that although he was included in the list of selected candidates published on 13.7.2015, the revised list of selected candidates published on 17.7.2015 did not contain his name. He was informed by the respondent-Delhi Police that he obtained 71.10606024, and that the last selected candidate belonging to OBC category obtained 71.29 marks in the written test. It is claimed by the applicant that upon comparing his OMR sheet with the answer key pertaining to Set-C question paper, it is found by him that although he had given correct answers to question nos. 55 and 56, he was not awarded marks therefor because of the wrong answer key. This apart, the applicant also claims that the question no.75 was void inasmuch as none of the four options towards answer to the said question was correct. Thus, it is submitted by the applicant that had the respondent-Delhi Police evaluated his answer sheet correctly and given credit to him for his correct answers to question nos. 55 and 56, he would have definitely scored higher marks than what have been awarded to him, and he would have been selected. It is also submitted by the applicant that question no.75, being void, ought to have been deleted by the respondent-Delhi Police while evaluating the answer sheets of the candidates and preparing the result of selection.

7. In their counter replies, which have been verified by Shri G.S.Awana, Dy. Commissioner of Police, Establishment (PHQ), Delhi, the respondents have, *inter alia*, stated that the grievances of the applicants in the O.As. were examined, and comments from the Question Setter with regard to question nos.17, 55, 56, 71,75,79,86 and 90 of Question Booklet Series -Cø as well as same questions of other Booklet Series (A, B and D), having different sequence numbers, were called for by them, and it appeared that certain typographical errors had crept in the answer key. The respondents have also stated that it been decided by the competent authority to constitute an Expert Committee to examine all the issues raised by the applicants and other candidates and to submit its report for preparing a master compendium and resultant answer key so that no injustice is caused to any candidate. The respondents have also stated that further action, if any, regarding the recruitment process will only be taken as per the recommendations of the Expert Committee. In their counter reply filed in OA No.4258 of 2015, the respondents have stated that -till date no candidate has been given appointment for the post in question.ø In view of the above, it is submitted by the respondents that the applicants are not entitled to the reliefs claimed by them in the O.As.

8. We have given our anxious consideration to the facts and circumstances of the case, and the rival contentions of the parties. The respondents have not made any averment with regard to the date(s) when they called for and received the comments from the Question Setter, when

they realized that typographical errors had crept in the answer key, and when the competent authority decided to constitute the Expert Committee to examine all the issues raised by the applicants in the present O.As and other candidates, and to submit a report for the purpose of making a master compendium and resultant answer key. They have also not disclosed in their counter replies as to whether the said Expert Committee has already examined the issues and submitted its report. But, in view of the statements made by the respondents that further action regarding the recruitment process will be taken as per the recommendations of the Expert Committee, and that till date no candidate has been given appointment for the post in question, and, considering the vagueness of the statements made by the respondents, we deem it just and proper to direct the respondents to ensure submission of the report by the said Expert Committee within one month from today, if such report has not yet been submitted by the Expert Committee, and to take further necessary action regarding the recruitment process within two months from today. Ordered accordingly.

9. With the above observation and direction, both the O.As. are disposed of. No costs.

(RAJ VIR SHARMA)
JUDICIAL MEMBER

(B.K.SINHA)
ADMINISTRATIVE MEMBER