

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA/100/3057/2018
MA/100/3750/2018
MA/100/3429/2018

New Delhi, this the 19th day of September, 2018

Hon'ble Mr. K.N. Shrivastava Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

1. Mr. Ashutosh Dubey
Roll No.2300000017
Age about 31 years
S/o Mr. Brij Kishor Dubey
R/o 3A/41B, Azad Nagar,
Kanpur-208002 (UP)
2. Mr. Pratap Singh,
Roll No.2300000004
Age about 33 years
S/o Mr. Yadram Singh
R/o 1921, Block-12, NIT4, Faridabad
Haryana - 121001
3. Mr. Vikas Bhardwaj
Roll No.2300000005
Age about 33 years
S/o Mr. Shyam Lal Dutt Sharma
R/o D-510/8A Lane No.5, Ashok Nagar,
Shahdara, Delhi-110093
4. Mr. Shyam Agarwal,
Roll No.2300000006
Age about 41 years
S/o Mr. Raghubeer Preshad Agarwal
R/o Flat No.25, Type-2, Block-2
Delhi Technological University,
Shahbad, Daulatpur, Bawana Road,
Delhi-110042
5. Mr. Sagar Teotia
Roll No.2300000008
Age about 30 years
S/o Mr. Satya Vir Singh Teotia
R/o C-325, DJA Apartment
Sector-13, Plot No.1A,
Dwarka, New Delhi-110075
6. Mr. Abdul Hannan Khan,
Roll No.2300000010

Age about 31 years
 S/o Mr. Abdul Mannan Khan
 R/o 4/430 Near Taj Masjid
 Hathi Doobal, Dodhpur,
 Aligarh-202002 (UP)

7. Mr. Ashish Kumar Verma
 Roll No.2300000011
 Age about 32 years
 S/o Mr. Ashok Kumar Verma
 R/o C-10/198, Yamuna Vihar,
 Delhi-110053
 8. Mr. Lalchandra Gupta,
 Roll No.2300000014
 Age about 30 years
 S/o Mr. Phoolchand Gupta
 R/o J-545 Street No.9
 Kartar Nagar, Shahdara,
 Delhi-110053
 9. Mr. Abhishek Kumar
 Roll No.2300000015
 Age about 30 years
 S/o Mr. Ugrasen Prasad
 R/o At and PO Nagarnausa
 Distt. Nalanda, Bihar-801305
 10. Mr. Krishna Pratap Singh
 Roll No.2300000016
 Age about 30 years
 S/o Mr. Yogendra Pratap Singh,
 R/o Type-4/9, Sanchar Colony,
 Sector-B, Aliganj
 Lucknow-226024
- ... Applicants

(Through Ms. Neetu Mishra for Ms. Rashmi Chopra, Advocate)

Versus

1. Delhi Subordinate Services Selection Board,
 Through its Secretary
 F.C. 18, Institutional Area,
 Karkardooma, Delhi-110092
 2. Delhi Transport Corporation
 Through its Managing Director,
 DTC HQ, I.P. Estate, New Delhi
- ... Respondents

(Through Shri Amit Anand, Advocate)

ORDER (ORAL)

Mr. K.N. Shrivastava, Member (A)

Pursuant to Annexure A-3 advertisement No.02/2012 issued by Delhi Subordinate Services Selection Board (DSSSB) – respondent no.1 inviting applications for the post of Manager (Mechanical) in DTC – respondent no.2, the applicants applied for the said post. The essential qualification for the post was Degree in Mechanical or Automobile Engineering or equivalent, preferably with one year experience in an Automobile or Mechanical Engineering Workshop of repute or Diploma in Mechanical or Automobile or Mechanical Engineering Workshop of repute. The selection was to be done through a written examination comprising of Tier-I (Objective Type) and Tier – II (Descriptive Type). There were separate cut-off marks prescribed for different categories of candidates viz. General, OBC, SC/ST/PH and Ex-servicemen. There is also provision for relaxation of cut-off marks.

2. The applicants participated in Tier-I and Tier-II examinations. Their grievance is that almost 70 out of 200 questions in Tier – II (Descriptive) examination were from outside the syllabus. Furthermore, against 24 notified vacancies, only 15 candidates participated in the examination. Apprehending that they might not have secured more than cut-off marks in the written examination in view of the fact that 35% questions were from out of syllabus, the applicants have

approached the Tribunal in the instant OA, praying for the following reliefs:

- “(a) cancel the Tier II examination held on 29.07.2018 and declare the same not to be in accordance with the examination scheme notified in the examination vacancy notice issued vide Advertisement No.02/2012 read with 14.02.2013 (Notice No.
- (b) direct the Respondents to re-conduct the selection process/ examination of (Tier II) for the post of Manager (Mechanical) in Delhi Transport Corporation (DTC) (Post Code 105/12) in accordance with the examination scheme notified in the Advertisement/ vacancy notice;
- (c) direct the Respondents to produce the question cum answer sheets of Paper II of Tier II (English Subjective) of the Applicants before this Hon’ble Tribunal;
- (d) further consider and appoint the Applicants to the post in question in accordance with their merit position in the Tier I examination to be held in terms of the examination scheme;
- (e) direct the Respondents to take the Tier I results as the qualifying selection due to lesser number (15) of the candidates against the 24 vacancies for the Post Code 105/12 Manager Mechanical (DTC) as done in Post Code 10/12.”

3. Shri Amit Anand, learned counsel for the respondents submitted that the selection has been abandoned by DSSSB on the ground that none of the candidates who had appeared, were found to be suitable for the post. He has placed on record a copy of the result notice no.280 dated 18.09.2018, which reads as under:

“RESULT NOTICE NO: 280
MANAGER (MECHANICAL), POST CODE-105/12 IN DTC

The Board had conducted one Tier-II offline examination on 29/07/2018 for a total post of 24 (UR-15, OBC-05, SC-03, ST-01) of the above cited post. In this T-II examination a total of 15 candidates had appeared. As per the Board notice dated

26.04.13, the minimum qualifying marks in One Tier/Two Tier written examination (Objective type/Descriptive type) for General candidate is 40%; for OBC candidate 35%; for SC/ST/PH is 30%. Ex-servicemen will be given 5% relaxation in their respective categories subject to a minimum of 30%.

The new examination scheme dated 14/02/2013 which is applicable for the above post code is reproduced as under:-

Part-1 (MCQ): Subject/Qualification : **200 Marks**
Related Paper (80% weightage)

Part-II : (Descriptive) : **(50% Marks)**
Essay (In English) : 30 Marks
Letter writing/ : 20 Marks
Expansion of idea (In English) (20% weightage)

Accordingly, the merit list has been prepared for different categories on the basis of marks scored by the candidates, after giving 80% weightage of the marks scored in Part-I (Objective) paper out of 200 marks & 20% weightage of the marks scored in Part-II (Descriptive) paper out of 50 marks and it has been found that none of the candidate has qualified the examination of T-II for the post of Manager (Mechanical) Post Code-105/12.

The recruitment process has now been closed for non-availability of the qualified candidates and the unfilled vacancies have been returned to the user department for re-notification.

This issues with the prior approval of the Competent Authority, DSSSB.

Sd/-
DY. SECRETARY,
DSSSB"

4. In view of the above mentioned result notice, we are of the view that the cause of action for this OA does not exist any more. Obviously, the indenting agency, namely the DTC would be making fresh indent to DSSSB for filling up the posts. If they do so, at that stage these applicants would also have opportunity to participate in the selection process, provided they satisfy all the eligibility criteria.

5. In view of the above, this OA is disposed of as it has become infructuous.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)