

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

TA No.03/2017

Reserved on:26.11.2018
Pronounced on:06.12.2018

Hon'ble Ms. Praveen Mahajan, Member (A)

1. Bharat Khanijo
S/o Sita Ram Khanijo
R/o 4/125,
Subhash Nagar
New Delhi – 110 027.
2. Ms. Swati Dhingra
R/o C4G-32B
Janak Puri
New Delhi – 1100. ... Applicant
(By Advocate:Shri Deepak Kumar Verma)

VERSUS

1. Union of India
Through Secretary
Staff Selection Commission (SSC)
Department of Personnel & Training
Ministry of Personnel
Public Grievances & Pensions
Block No.12, Kendriya Karyalay Parisar
Lodhi Road, New Delhi – 110 003.
2. Staff Selection Commission (SSC)
Through Under Secretary (ND-II)
Shri S.C. Kashyap
Department of Personnel & Training
Ministry of Personnel
Public Grievances & Pensions
Block No.12, Kendriya Karyalay Parisar
Lodhi Road, New Delhi – 110 003.
3. Ld. Chairman
Staff Selection Commission
Block No.12, CGO Complex
Lodhi Road

New Delhi-110 003.

...Respondents

(By Advocate: Shri Gyanendra Singh)

O R D E R

The applicants in the OA, appeared in an Exam conducted by Staff Selection Commission (SSC) for Recruitment of Stenographers Grade 'C' and 'D' categories on 31.01.2016.

2. The respondents were called for the Skill Test to be held on 22.07.2016 for testing their typing skill. It is claimed that during the said test, the petitioners along with other candidates, made complaints about the use of woofers instead of speakers for dictation. Since the quality of voice was bad and non-audible hence the dictation to the officials present at the venue was hardly audible.

3. Petitioner No.1 made a written complaint to the Respondent No.3 seeking permission to have a meeting and to apprise him personally about the problems faced at examination centre. This was followed by a reminder dated 02.08.2016 and a RTI application dated 09.08.2016.

4. Petitioner No.2 and another candidate namely Preeti Saini (Roll No.2201053156) made a similar complaint to the respondent no.2 with the request to be allowed to take skill test

again. A Legal Notice sent through the petitioner no.1 to the respondents met with a vague reply from the respondents hence the current OA has been filed seeking the following reliefs :-

"(a) Issue a Writ of Mandamus or any other appropriate Writ, order or direction to quash and set aside the illegal and arbitrary decision/action of the respondent no.1, 2 and 3 in conducting the skill test in their arbitrary manner and without following the prescribed rules ;

(b) Issue a Writ of Mandamus or any other appropriate writ, order or direction to the Respondent no.1, 2 and 3 to not to proceed with any further in declaring the results;

(c) Issue a Writ of Mandamus or any other appropriate writ, order or direction to the Respondent No.1, 2 and 3 to conduct the retest for dictation/Skill Test of all the candidates including the Petitioners;

(d) Any other or further order/direction/s be passed in favour of the petitioners and against the Respondents as may deem fit in the facts and circumstances of the present case, in the interest of justice;"

5. In the counter, the respondents agree that the petitioners in OA- namely Mr. Bharat Khanijo and Ms. Swati Dhingra appeared for Stenographer Grade 'C' and 'D' Examination and qualified in the Written Exam.

6. It is mentioned that the SSC, on 10.01.2015 had taken a decision to use recorded dictation of passages for future Stenography Skill Test. This decision was on account of the fact that there was a shortage of officials for giving dictations in the Skill Test for Stenographers Examination. Besides, most of the officials had retired and only a few officials were left in the

panel. A copy of the letter dated 20.01.2015 is enclosed at Annexure R-1.

7. The respondents submit that to implement this decision, the SSC (Northern Region) purchased Philips Speakers Tower Blast SPT6660 for Stenography Skill Test held on 08.07.2016. A copy of the invoice is enclosed at Annexure-R-2. It is further mentioned that the dictation for Skill Test of Stenography through recorded text passage on CD for Lab I & II was conducted in the same dictation room with the aforementioned speakers during entire Stenography Skill Test held between 12.07.2016 to 14.08.2016.

7.1 In all, 3845 candidates appeared for the Skill Test during the entire period. Out of these only five including the applicants in OA (who appeared for the Skill Test on 22.07.2016) made complaints with regard to the poor quality of sound system used for dictation of recorded passage on CD. Thus, more than 99% of candidates were satisfied with the sound quality of woofers during the skill test hence the plea of the applicants is not tenable.

8. During the course of hearing, both sides reiterated the issue already raised in the OA as well as in the counter affidavit filed by the respondents.

9. The learned counsel for the applicant, Shri Deepak Kumar Verma stated that the respondents suddenly introduced the woofers method of dictation a shift from the manual mode, hence the applicants were taken unawares. Had this information been provided earlier, the applicants could have taken appropriate coaching for this mode of dictation through recorded CD test passage and not suffered this setback. He submitted that claim of the applicants for a re-test has been unfairly denied and urged that they should be given another opportunity to qualify the Skill Test.

10. The learned counsel for the respondents, Shri Gyanender Singh, on the other hand strongly opposed this contention stating that more than 99% of the candidates who appeared for the exam and took dictation of the recorded passage in the CDs were satisfied. He emphasised that because merely the applicants could not qualify the Skill Test they cannot be allowed to put the onus (unfairly) on the sound system.

11. I have gone through the facts of the case and find that the arguments advanced by the applicants' counsel are not convincing. It is not disputed that a large number of candidates (3845) took the aforementioned skill test. Reportedly, more than 99% of the candidates were satisfied and could take dictation of the passage through the woofer sound system installed in same

hall, during the entire period of conduct of skill test (spread over a month). Only five candidates, reportedly complained about quality of the sound system. Thus in terms of percentage, number of complaints received is less than 1% (0.13%).

12. In view of these facts, I, therefore, tend to agree with the argument advanced by the respondents that the contention raised by the applicant are not substantial enough to merit intervention of the Tribunal. The OA is dismissed. No costs.

**(Praveen Mahajan)
Member (A)**

/uma/