

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

OA 2813/2018

Wednesday, this the 12th day of September, 2018

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

Jasbir Shokeen
S/o Sh. Ajit Singh, Aged – 30 (G - B)
R/o RZ-71, Nanu Ram Park
Najafgarh, New Delhi - 43

(Mr.Yaspal Rangi, Advocate)

...Applicant

Versus

1. The Chief Secretary
Govt. of NCT of Delhi
New Secretariat, IP Estate
Delhi.
2. The General Manager
Delhi Transport Corporation - DTC
DTC HQ, Scindia House
Connaught Place, New Delhi-1.
3. The Chairman
Delhi Subordinate Service Selection Board - DSSSB
FC-18, Institutional Area
Karkardooma, Delhi – 110092.

...Respondents

(Mr. Anuj Kumar Sharma, Advocate)

ORDER (ORAL)

Mr. K.N. Shrivastava:

Pursuant to Annexure A-2 Advertisement No. 02/12 of Delhi Subordinate Service Selection Board (DSSSB), the applicant applied for the post of Manager (Mechanical) in Delhi Transport Corporation (DTC). The selection comprised of Part—I - Preliminary examination (Objective) and Part-II - Main examination (Descriptive). The applicant participated in the Preliminary examination, which was conducted on 15.10.2017. He did not

clear it. The contention of the applicant is that answers of as many as 9 questions in the answer key were not correct and that he had answered these questions correctly. Since his challenge to the answer key was not acceded to by the DSSSB, he has approached the Tribunal in the instant OA, praying for the following reliefs :-

- “(i) Declare the action of DSSSB in not considering the challenge of applicant to answer key of Tier-I examination for the post of Manager (Mechanical) as arbitrary and illegal; and
- (ii) Direct the respondents to consider applicant’s challenge to answer key of Tier-I examination for the post of Manager (Mechanical) and if his challenge is found correct, revised his result by awarding 1.25 additional marks for his correct answers and consequently declare him qualified in Tier-I examination; and
- (iii) Direct the respondents to change applicant’s category from General to OBC and consider his candidature in OBC category.”

2. Mr. Yashpal Rangi, learned counsel for applicant brought to our notice that the Tier-II (written examination) was conducted on 29.07.2018 by DSSSB and obviously, the applicant was not allowed to participate in it.

3. In view of this development, we find that this OA has become infructuous, as relief prayed for cannot be granted. Learned counsel, accordingly, seeks leave of this Tribunal to withdraw it with liberty to file a fresh OA challenging the entire selection process. Prayer is allowed.

4. OA is dismissed as withdrawn with liberty, as prayed for.

(S.N. Terdal)
Member (J)

/anjali/

(K.N. Shrivastava)
Member (A)