

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.3643 OF 2014

New Delhi, this the 30th day of May, 2018

CORAM:

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
AND

HON'BLE MS.PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBER

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Sudesh (OBC),
Roll NO.07087715,
Recruit Teacher Primary in MCD,
Aged about 26 years,
w/o Sh.Jitender Singh Sehrawat,
D/o Sh.Raj Pal Singh Rana,
R/o House No.345, Lambi Gali,
Shahbad Daulatpur, Delhi 42..... Applicant
(In person)

Vs.

1. Delhi Subordinate Services Selection Board,
Through its Chairman,
FC-18, Institutional Area,
Karkardooma,
Delhi 92
2. South Delhi Municipal Corporation,
Through its Commissioner,
Jawahar Lal Nehru Marg,
Civic Centre, New Delhi
3. East Delhi Municipal Corporation,
Through its Commissioner,
Udyog Bhawan, Institutional Area,
Patpur Gunj,
Delhi.
4. North Delhi Municipal Corporation,
Through its Commissioner,
Jawahar Lal Nehru Marg,
Civic Centre,
New Delhi

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Respondents

(By Advocate: Mr.Amit Anand)

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ORDER

Per RAJ VIR SHARMA, MEMBER(J):

The applicant is a candidate for selection and recruitment to the post of Teacher (Primary) in MCD, pursuant to the Advertisement No.04/2009, Post Code 70/09. This O.A. under Section 19 of the Administrative Tribunals Act, 1985, has been filed by her seeking the following reliefs:

- “A) To quash the Question Paper for Post Code No.70/09 and its Corresponding Answer Key to the extent questions read with its answers itself are incorrect and/or the Answer Key used by DSSSB is incorrect and consequent result and appointments based on such impugned question paper and Answer Key.
- B) To direct the respondents to constitute an Independent Expert Body, other than DSSSB officials, to examine the Question Paper for Post Code No.70/09 for Primary Teacher and submit a report as to whether the questions impugned read with its answers in itself are incorrect or not and further the impugned Answer Key used by DSSSB for all impugned questions is incorrect or not.
- C) To direct the respondents to re-examine the answer script of the applicant in the event it is found that any question read with its answers itself is/are incorrect and/or the Answer Key used by DSSSB for any question is incorrect and grant extra marks to the applicant for those questions.
- D) To direct the respondent to prepare the revised merit list after the completion of above-mentioned exercise and in case the applicant stands selected, she is appointed to the post of Primary Teacher with all consequential benefits as per revised merit list.
- E) To award costs in favour of the applicant and pass any order or orders which this Hon’ble Tribunal may deem just & equitable in the facts and circumstances of the case.”

2. Resisting the O.A., respondent nos. 1 and 2 have filed two separate counter replies.

2.1 Respondent nos. 3 and 4, in their counter replies, have stated that they are *proforma* respondents and, their names may be deleted from the array of parties.

3. The applicant has filed a rejoinder reply refuting the stand taken by respondent no.1.

4. We have carefully perused the pleadings of the parties and have heard the applicant in person, and Mr.Amit Anand, learned counsel appearing for respondent no.1.

5. At the commencement of hearing, the applicant, who appeared in person and presented her case, submitted that a coordinate Bench of this Tribunal has already dismissed similar matters – O.A.No.703 of 2014 and other connected O.As. (**Sareen Dabas and others, etc. vs. Govt. of NCT of Delhi and others**) by order dated 27.5.2015 and, therefore, the present O.A. may be dismissed by the Tribunal so that she would approach the Hon'ble High Court of Delhi for redressal of her grievances.

6. Mr.Amit Anand, learned counsel appearing for respondent no.1, submitted that in **Sareen Dabas and others, etc. vs. Govt. of NCT of Delhi and others** (supra) the applicants were also candidates for selection and recruitment to the post of Teacher (Primary) in MCD, pursuant to the Advertisement No.04/2009, Post Code 70/09. They sought similar reliefs as sought by the applicant in the present O.A. After considering the facts and

circumstances of the case and the rival contentions of the parties in the light of the decisions of the Hon'ble Supreme Court and of different Hon'ble High Courts, the coordinate Bench has declined to interfere with the decision taken by the respondent-DSSSB in not awarding grace marks to every candidate and in deducting the total marks by two. The aforesaid decision of the coordinate Bench being binding on us, the present O.A. is liable to be dismissed. Furthermore, Mr.Amit Anand, relying on the decision of the Hon'ble Supreme Court in **Ran Vijay Singh and others vs. State of U.P. & others**, Civil Appeal No.367 of 2017, decided on 11.12.2017, submitted that the applicant in the present case is not entitled to any of the reliefs sought by her.

7. After considering the pleadings and materials available on record, we have found no reason to differentiate between the present applicant and the applicants in **Sareen Dabas and others, etc. vs. Govt. of NCT of Delhi and others** (supra). In view of the submission made by the applicant and Mr.Amit Anand, learned counsel appearing for the respondents, we do not think it necessary to elaborately discuss the averments made and contentions raised by the parties and to return our findings thereon.

8. In light of what has been stated above, the O.A, being devoid of any merit, is dismissed. No costs.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

