

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.3372/2017

Reserved on: 27.03.2019

Pronounced on: 09.04.2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)

Keshab Kumar Singh
S/o Shri Chander Bhan Singh,
R/o E-105, Sector-9,
New Vijay Nagar, Ghaziabad,
U.P-201009.
Aged about 36 years(Group 'B')
(Candidate towards the Post of TGT
(Computer Science) Post Code 192/14)

... Applicant

(By Advocate: Mr. Ajesh Luthra)

VERSUS

1. Govt. of NCT of Delhi
Through its Chief Secretary,
A-Wing, 5th Floor, Delhi Secretariat,
I.P. Estate, New Delhi.
2. Delhi Subordinate Services Selection
Board (DSSSB)
Through its Secretary,
FC-18, Karkardooma Institutional Area,
Delhi-92.
3. Directorate of Education
Through its Director
(GNCT of Delhi)
Old Secretariat, Delhi- 110054.

... Respondents

(By Advocate: Mr.Amit Anand)

ORDER

Hon'ble Mr. S.N.Terdal, Member (J):

We have heard Mr. Ajesh Luthra, counsel for applicant and Mr. Amit Anand, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- a) Hold and declare that the respondents have wrongly and illegality not evaluated Tier-1 OMR answer sheet of the applicant and
- b) Direct the respondents to evaluate the OMR answer sheet of the applicant and declare the marks obtained by him in Tier-1 exam and
- c) Consider the applicant further in the selection process of recruitment to the posts of TGT Computer Science (Post Code 192/14) in accordance with his merit position.
- d) Accord all consequential benefits
- e) Award costs of the proceedings; and
- f) Pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice in favour of the applicant."

3. The relevant facts of the case are that applicant had applied for the post of Trained Graduate Teacher (Computer Science) with code no 192/14 in response to the advertisement no. 01/14 issued by the DSSSB. He appeared for the written examination for tier-1 conducted on 21.05.2015. On the notice of intimation given by the respondents when the applicant tried to view his marks on the website of DSSSB on 13.07.2017 he did not find his marks and it was showing that he did not appear for the examination. On 29.08.2017, when he made a representation to the respondents, he was ultimately informed that his OMR (Optical Mark Reader) was not evaluated due to wrong roll no or other details. In the final result issued by the respondents on 11.09.2017 his name was not appearing. Being aggrieved, the applicant has filed the present OA seeking the above stated reliefs.

4. The respondents have filed counter reply in which they have specifically stated that the applicant had not bubbled his question booklet

series correctly as such his OMR answer sheet could not be properly deducted by the Computerized Evaluation System. They have also produced the OMR answer sheet as annexure R-1 in which it is seen that there is defective bubbling in the answer booklet series. The relevant averment made by the respondents in their counter affidavit is extracted below:-

“That the contents of para 4(vi) are wrong and denied. The Evaluation of OMR answer sheets is done through system. Those OMR answer sheets cannot be evaluated where the candidates have not bubbled their roll no./question booklet number and series correctly. In the present case the OMR sheet of the candidate has not been evaluated because he has not bubbled his question booklet series correctly. Each different series has different sequence of questions meaning hereby that that the questions are the same but are at different serial number. If the question booklet number is not mentioned correctly, the system will not be able to decide which answer key of which set is to be applied to it. Therefore such answer sheets cannot be evaluated. A copy of OMR answer sheet of the candidate is annexed herewith and marked as Annexure R-1.”

5. The counsel for the applicant vehemently and strenuously contended that in the answer sheet though the applicant has committed the mistake in bubbling in the first instance as option 'D' and then he had bubbled correct option 'C' in the question booklet series but however he has written 'C' indicating that the correct question booklet series is 'C' as such non-evaluation of his OMR answer sheet is arbitrary and the applicant is entitled for the reliefs.

6. The counsel for the respondents equally vehemently submitted that as stated in the averments extracted above, the OMR sheets are evaluated by Computerized Evaluation System and the said evaluation methodology is applied uniformly to all the candidates undertaking the examination and, therefore, there is no arbitrariness or discrimination

meted out to the applicant and in the detailed instruction to the candidates it was very clearly indicated that OMR should be carefully and correctly filled in and it was also indicated that evaluation of the answer sheet will be done on the computer and in case the candidates were to make any mistake in the filling up of answer sheet then OMR sheet will not be evaluated and he further submitted that in case this OA is allowed it would open up flood gate of litigations.

7. In view of the facts and circumstances narrated above and in view of the averments made by the respondents extracted above and in view of the submissions made by the counsel for respondents, we do not find any merit in the OA. Accordingly, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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