

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 547/2017

Reserved on 22.01.2019
Pronounced on 29.01.2019

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

Neeta,
D/o Sh.Ramphal W/o Sh. Ved Pal,
R/o, H.No. 23, Village, Shahpur Garhi,
Narela, Delhi-110040.

... Applicant

Group 'C'
(Aged about 31 years)
Candidate for the post of TGT (Hindi)
(Female) in GNCT of Delhi)

(By Advocate: Mr. Ajesh Luthra)

VERSUS

1. GNCT of Delhi
Through Chief Secretary,
5th Level, 'A' Wing, Delhi Secretariat,
IP Estate, New Delhi.
2. Delhi Subordinate Services Selection
Board through its Secretary,
F-17, Karkardooma Institutional Area,
New Delhi.
3. The Director,
Directorate of Education,
Old Secretariat, GNCTD,
Delhi-110054.

... Respondents

(By Advocate: Mr. K.M.Singh)

ORDER

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

We have heard Mr. Ajesh Luthra, counsel for applicant and Mr. K.M.Singh, 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 applicant has been wrongly excluded from consideration for appointment to the post of TGT (Hindi) (Female) in Directorate of Education, GNCT of Delhi (post code 7/13) and;
- b) Direct the respondents to consider the candidature of the applicant for the Post Code 1/13 as well and further process the result of the applicant accordingly and appoint her to the post of TGT (Hindi) (Female) in Directorate of Education, GNCT of Delhi in accordance with her merit position;
- c) Accord on all consequential benefits including monetary and seniority benefits;
- d) Award costs of the proceedings; and
- e) Pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case."

3. The relevant facts of the case are that the Optical Mark Reader (OMR in short) Application form of the applicant was rejected as she did not possess the essential qualifications required for the post of TGT (Hindi) (Female) as per the Recruitment Rules and as per the information provided by her in Column No.13- Essential Qualifications. She did not darken the circle relating to essential qualifications mentioned at serial no. 1, 2 and 7 in the relevant portion of para 13 of the OMR application form, meaning thereby that she did not possess the said essential qualifications and accordingly rendering her application form and her candidature liable to be rejected, particularly in view of the fact that while she was duty bound to indicate the same, as per the instructions at para 8 and 9 of the advertisement. Para 8 and 9 of the advertisement are extracted below:-

“8. **HOW TO APPLY**

- (i) to (iv) xxxxxxxx (Not reproduced here)
- (vi) All columns must be filled. **No column should be left blank, instead it should be marked “NA” wherever not applicable.** Incomplete or illegible or incorrectly filled or unsigned application form will be summarily rejected. Candidature must sign in the running script, not in block letters in the same language.
- (vii) xxxxxxxx (Not reproduced here)

9. **INVALID APPLICATIONS**

The application form with any of the following deficiencies or irregularities will be treated as invalid and summarily rejected:

A & b xxxx (Not reproduced here)

- c. OMR application form not filled up or not filled up as per direction given in the Notice.
- d. Incomplete or illegible or incorrectly filled up applications.
- e to p. xxxxxxxx (Not reproduced here).

NOTE: No claim for re-consideration of the rejected cases on the grounds specified above will be entertained.

Original documents/certificates are to be produced along with self attested copies at the time of verification of documents only.”

4. The counsel for the applicant vehemently and strenuously submitted that by inadvertence the applicant has not bubbled/darkened the relevant portion in the OMR application form but, however, she was having all the essential qualifications as such the applicant is entitled for the reliefs prayed for. In support of his contention, the counsel for the applicant has relied upon the following two judgments:

- (1). **Smt. Sujatha Cheruku and Another Vs. The State of Talangana** (Writ Petition Nos. 26845/2017- Andhra High Court)

(2). **Ms. Pramila Vs. Govt. of NCT of Delhi through the Chief Secretary and Ors** (OA 2874/2014).

5. The counsel for the respondents equally vehemently submitted that OMR technology uses a scanning device and thus automates the evaluation of the application forms and ensures quick rejection or acceptance of the application forms as per the terms and conditions of the advertisement and that the technology eliminates human errors and ensures quick verification of forms these days and that lakhs and lakhs of applicants apply for recruitment as such it is the only way these days to verify the application form and that the inadvertence on the part of the applicant in not darkening/bubbling the required field in the application form cannot be condoned on sympathetic ground and that the applicant ought to have been vigilance in filling up her application form particularly in view of a clear warning given in para 8 and 9 extracted above and when they fail to do so no indulgence should be shown and that humanitarian ground cannot found the basis for grant of relief against the well settled and prescribed instructions given in the advertisement which has been applied uniformly to all the candidates. In support of his contention, the counsel for the respondents relied upon the order of this Tribunal in the case of **Devender Yadav and others Vs. The Secretary, DSSSB and others** (OA 4572/2014).

6. In the judgment relied upon by the counsel for respondents this Tribunal has discussed the law laid down by the Hon'ble Supreme Court and various High Courts and came to the conclusion that humanitarian grounds or inadvertence mistake on the part of the

applicant is not filling up in the OMR application form as per the instructions given therein cannot be basis for giving relief.

7. In respectful agreement with the reasoning of this Tribunal given in the order dated 12.08.2016 in the case of **Devender Yadav and others** (supra), this OA requires to be rejected.

8. Accordingly, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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