

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1708/2015

New Delhi this the 22nd day of February, 2019

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

Bhupinder Singh, Age-29 years
(Fresh Appointment)
S/o Sh. Dharamparkash,
Roll No.7001719810
R/o House No. 497/21,
Gali No. 4, Omnagar,
Gurgaon.

... Applicant

(By Advocate: Mr. Sachin Chauhan)

VERSUS

1. Union of India
Through the Secretary,
Ministry of Labour and Empowerment,
Sharam Shakti Bhawan, Rafi Marg,
New Delhi.
2. The Regional Director,
Employees State Insurance Corporation,
Panchdeep Bhawan, Sector-16,
Faridabad.
3. The Dy. Commissioner & Zonal Director
Employees State Insurance Corporation,
Rajendra Bhawan, Rajendra Place,
New Delhi.

... Respondents

(By Advocate: Mr. Yakesh Anand)

ORDER (ORAL)

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

We have heard Mr.Sachin Chauhan, counsel for applicant and Mr. Yakesh 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:

"8.1. To direct the respondent that the computer skill test of the applicant be re-checked and the criteria as laid down in present selection be applied fairly and if on re-checking the applicant stands qualified in computer skill test then the applicant be declared selected in the present selection process and further being extended the offer of appointment to the post of LDC with all consequential benefits including seniority & promotion and pay & allowance.

8.2. To direct the respondent that during the re-checking of computer skill test paper of the applicant the repeating of the same sentence during computer skill test not to be taken as ground of disqualification under the criteria (Max. 3% mistake i.e. 60 wrong characters permissible).
Or/ and

Any other relief which this Hon'ble Court deems fit and proper may also awarded to the applicant.

3. The relevant facts of the case are that the applicant applied for the post of Lower Division Clerk (LDC) against the advertisement issued by the regional office of ESIC, Faridabad in the year 2009. The applicant was successfully in written test. In the skill test of typing and knowledge of computer including the use of office Suites and Databases, he had committed according to the respondents more than 3% of mistakes as such he was not selected. Challenging his non selection and seeking re-checking of the result of his skill test he has filed the present OA with the above stated relief. The applicant applied under RTI and secured the documents regarding his skill test. The counsel for the applicant vehemently and strenuously contended that as per the assessment made by the applicant he had not committed more than 3% of the mistakes as such he has submitted that the answer sheets of his skill test should be subjected for rechecking.

4. The respondents have filed counter affidavit. In the counter affidavit they have stated that the skill test of typing and computer knowledge etc

was subjected to computerized checking and for the assessment of the said skill test they have elaborate guidelines issued in 2006 which they have produced as R-2 and on the basis of that they have further stated that the evaluation of the skill test was in fact given to an independent agency which has conducted the evaluation through computerised checking and that the same methodology is applied with respect to each and every candidate as such there is neither unreasonableness nor discrimination against the applicant. The relevant para of the counter affidavit is extracted below:-

"4. xxx xx

Part-II: The Corporation reserves the right to admit only that number of candidates as considered necessary for Skill Test in typewriting/knowledge of computer, including use of Office Suites and Databases, based on the performance of the candidates in the written test. Information shall be sent to candidates after Part-1 written test.

5. The scheme of examination of the computer skill test was contained in part-II and comprised of 50 marks. As per criteria laid down typing a passage (word para) formatting the same, excel sheet creation and date entry therein. The minimum qualification criteria are given herein below:

Test Activity	Marks	Qualifying Eligibility
Typing Passage	30marks	2000 strokes with not more than 3% wrong character i.e. 60 chrs., @ 40 2.p.m.
Formating	10marks	At least 6 correct formatting out of the 10 asked/tested for i.e. 60%
Excel Sheet	10 marks	- - -----

The time granted for typing and formatting was 15 minutes i.e. 10 minutes for typing and 5 minutes for formatting and the time granted for excel sheet was 10 minutes, It is submitted that out of the above only second part was manual checking by the competent authority and remaining two parts i.e. typing passage and excel sheet test were computerized checking. The applicant could not qualify in typing passage as he has done mistakes more than 60 strokes in the first 2000 strokes. Therefore, his candidature was rejected by the Computerized Checking. Copy of Selection Criteria to the post of LDC is enclosed herewith and marked as Annexure R-2.

6. It is further submitted that the evaluation of the Computer Skill Test was done by an independent agency M/s Attest Testing Services Ltd. Noida, who were appointed in this regard. ESIC has not been involved in the evaluation process. The evaluation was conducted by the said agency through computerized checking.

5. In view of the facts and circumstances of the case and in view of the uniform methodology being followed by the respondents in evaluating the skill test that too evaluating the same by using the computerized checking, we do not find any unreasonableness or discrimination on the part of the respondents and, therefore, there is no merit in this OA.

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

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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