

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/892/2019
M.A./100/1365/2019

New Delhi, this the 13th day of May, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Jitender Kaushik, aged 28 years,
S/o Shri Satya Prakash
R/o S-49, Sanjay Colony,
Narela, Delhi-40

....Applicant

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
New Secretariat, New Delhi
2. The Director of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi
3. The Secretary
Delhi Subordinate Services Selection Board
Govt. of NCT of Delhi
F-18, Institutional Area,
Karkardooma, Delhi-92

... Respondents

(Through Shri Anuj Kumar Sharma, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant responded to a notification issued by the respondents for recruitment to the post of TGT (Sanskrit). The written test for this purpose was held on 16.09.2018.

The draft key was published on 20.09.2018. The applicant made a representation stating that the answers published in the draft key for questions no.56 and 190 are not correct. The representation submitted by the applicant was rejected on 16.02.2019. The same is challenged in this OA.

2. The applicant contends that a mere perusal of question no.56 discloses that the answer to it must be in terms of percentage but none of the options was in that form. As regards the other question, the applicant states that it has two correct answers.

3. The respondents filed counter affidavit, opposing the OA. It is stated that once the results are published on 23.04.2019, another verification at this stage, would be legally untenable. It is also stated that all the objections received in response to the draft key were referred to subject experts and final key was published accordingly. Respondents contend that interference by the Tribunal in the selection process, at this stage would lead to serious uncertainties.

4. We heard Shri Yogesh Sharma, for the applicant and Shri Anuj Kumar Sharma, for the respondents.

5. Though the applicant raised objection as regards question nos.56 and 190, the arguments are advanced only in respect of question no.56.

6. We are aware of the limitations of the Tribunal in the context of verification of correctness of answers to the question in the competitive test. However, as regards question no.56, we expressed our reservations about it, in OA No.580/2019. In that examination, it occurred as question no.44. Direction was issued to refer the issue to the subject experts. Whatever happened to question no.44 in that examination, must happen to question no. 56 in the present examination also.

7. Therefore, we dispose of this OA directing that the respondents shall take into account, the opinion expressed by the experts with reference to question, similar to question no.56 in the test conducted for the post of TGT (Sanskrit). If the answer in the final key for the said question is found by the experts as correct, no further steps needs to be taken; and if on the other hand, any different suggestion is made, the same shall be taken into account, for correction of anomalies, if any. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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