

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 2347/2019

This the 9th day of August, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Abhishek Kumar, Group 'B'
Age about 25 years,
House No. 362, Old Housing Board Colony,
Opposite HUDA Park, Bhiwani,
Haryana-127 021. ...Applicant

(By Advocate : Ms. Pranita Shekhar)

Versus

1. The Staff Selection Commission
Through its Chairman,
CGO Complex, Lodhi Road, New Delhi.

2. The Secretary,
Staff Selection Commission
CGO Complex, Lodhi Road, New Delhi. ...Respondents

(By Advocate : Mr. Y. P. Singh)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant participated in the examination held for selection of Combined Graduate Level Examination, 2017. The process comprised of conducting of examinations in 4 tiers. The applicant was successful in tiers 1 and 2. In the 3rd tier, he was awarded '0' marks on the ground that he revealed his identity in the answer script. The same is challenged in this O.A.

2. The applicant contends that one of the questions in the paper was to address a typical letter and inadvertently at the end of the letter the applicant mentioned his name. It is also stated that soon after he realised it, he struck off the same and he indicated the name that was required to be stated.

3. The applicant submitted an application under RTI seeking information. That was replied through an order dated 14.05.2019, requiring the applicant to approach the appellate authority. The same is challenged here. The applicant has also sought declaration that awarding of '0' marks in the tier 3 examination is illegal, arbitrary and unconstitutional.

4. We heard Ms. Pranita Shekhar, learned counsel for applicant and Mr. Y. P. Singh, learned counsel for respondents.

5. The applicant no doubt was successful in the examinations at tiers 1 and 2. In the first one, he secured 148 marks and in the 2nd he secured 259 marks. In tier 3 examination, he was supposed to answer two essay type questions. The 2nd question reads as under :-

“2. You are Rajan/Rajani, a resident of Lodhi Road, New Delhi. You have been selected for the post of Marketing

Manager in a Public Sector Enterprise. Due to some unavoidable reasons you are unable to join immediately, as required by the employer. Write a letter to the said enterprise, seeking some time to join your duty, giving convincing reasons. (Word limit 150 words)

(50 marks)”

6. The applicant answered this and at the end of the letter he wrote as “Abhishek Kumar” i.e., his own name. That was struck off and the name of “Rajan” was written.

7. The paper was evaluated and 36 and 32 marks were awarded to both questions aggregating to 68 marks. However, the total was rounded off to ‘zero’ on the ground that the applicant used unfair means. In this behalf, it becomes necessary to extract, the note incorporated in the first page of the answer sheet. It reads as under:-

“Candidates are strictly advised not to write any personal identity e.g., Name, Roll No., Mobile No., Address etc, inside the Answer-Book. Otherwise their Answer-Book will not be evaluated and they shall be awarded zero marks.”

8. When the applicant was strictly prohibited from revealing the identity in any manner whatsoever, there was absolutely no justification for him to write his name. There was a definite and clear purpose in incorporating the said condition. Another aspect is that, in the question itself the candidate was informed as to in whose name, the letter must be written. Despite that, the applicant choose to write his name. Whatever may be the method adopted

in the evaluation of multiple choice, where answers are evaluated through OMR, the essay type of answer is to be evaluated by an examiner and in revelation of the identity, particularly in competitive examination, is highly objectionable.

9. Though the applicant relied upon an order passed by this Tribunal in O.A No. 215/2017 and batch, that was a case in which a mistake committed by the candidates was as to the failure to mention the medium of answering the test, unlike one, regarding the revelation of identity. We do not find any merit in the O.A. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/