

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00953/2017

Jabalpur, this Friday, the 13th day of September, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Sourabh Gupta
S/o Shri Sanjay Gupta
DOB:08.12.1996
Working-Unemployed,
R/o S-1, 53 Nehru Nagar,
Bhopal 452001 (M.P.)
Mobile No.8966054434

-Applicant

(By Advocate –**Shri Vijay Tripathi**)

V e r s u s

1. Union of India, Through its Secretary
Ministry of Defence, South Block,
New Delhi 110001

2. Director General of EME (Civ-IV)
MGOs Army Head Quarter DHQ PO
New Delhi 110001

3. The Officer Incharge, EME Records,
EME Records Office Sikandrabad
Telangana, 400021

4. The Commandant (Admin)
3-EME Centre Headquarters
Bairagarh Bhopal (MP) 462031

- Respondents

(By Advocate –**Shri S.P. Singh**)
(Date of reserving the order:27.11.2018)

ORDER

By Ramesh Singh Thakur, JM:-

This Original Application has been filed by the applicant being aggrieved with the result of the Skilled Test (Typing Test) wherein the applicant has been declared not qualified by applying wrong method of evaluating answer script of the Skilled Test (Typing Test).

2. The applicant has prayed for the following reliefs:-

“8.1 Summon the entire relevant record from the possession of respondents for its kind perusal

8.2 Upon holding that the method applied for evaluating the answer script of the Skilled Test (Typing Test) is bad in law set aside the result of the skilled Test (Typing Test) Annexure A/1.

8.3 Direct the respondents to re-evaluate answer script of the Skilled Test (Typing Test) of the applicant as per the norms laid down in Gazette Notification dated 5 May 2014 and the norms laid down by the SSC and after revaluation of the answer script of the applicant if he is found suitable he should be appointed on the post of LDC with all consequential benefits.

8.4 Any other order/orders, direction/directions may also be passed.

8.5 Award cost of the litigation to the Applicant.”

3. Precisely the case of the applicant is that the respondent No.4 had issued an advertisement dated 14.05.2016 (Annexure A/2) whereby 4 posts of LDC was notified and out of 4 posts 1 post was earmarked for General, 1 post for SC, 1 post for ST and 1 post for OBC candidate. In pursuance to the advertisement dated 14.05.2016 the applicant also submitted his candidature for the post of LDC. The applicant received a call letter whereby he was instructed to participate in the written test, scheduled on 01.08.2016. Accordingly, the applicant participated in the written examination. The applicant was declared successful in the written examination and name of applicant has been shown at Serial No.4 and has obtained 70 marks. Copy of result of the written test is attached as Annexure A/3. The applicant was permitted to participate in the examination of Skill Test (Computer typing Test) scheduled on 02.08.2016.

4. The respondent-department has published a list of the candidate who participated in the skill test/typing test

for the post of LDC held on 02nd August 2016 against the vacancy of General Category. The applicant was declared unqualified in the skill test / typing test. The applicant sought information under Right to Information Act in respect of Durgesh Barkade vide letter dated 09.08.2017. It has been informed that Durgesh Barkade has been adjusted against the General Category he lodged protest and has been adjusted against the ST Category. Now post of General Category is lying vacant as nobody has been selected against the vacancy earmarked for General Category. The applicant was also informed that the applicant could not qualified written test/typing test.

5. The applicant thereafter preferred an application under RTI Act whereby the applicant sought his answer script of typing test. The applicant was provided his answer script under RTI which is annexed as Annexure A/5. The applicant has calculated words typed by him and it has been found that his key depressions comes 1918 per hour. The calculation of key depressions is showing at

Annexure A/6. As per norms prescribed by the SSC and other recruiting agency the average key depression in one hour should be 1750. The applicant has typed 309 words. As per the formula applicable for counting key depression, the applicant has typed 1918 words in one hour on an average of 5 key depressions for each word. The formula for counting key depression set by the SSC is enclosed as Annexure A/7. So, as per contention of the applicant that as per advertisement the applicant was required to type 350 words in 10 minutes while evaluating the marks of typing test, the evaluator has counted flat 35 words.

6. The applicant again sought information from RTI act regarding the rules for evaluating the computer typing (Skill Test). The respondent-department has informed the applicant vide letter dated 18.05.2017 (Annexure A/8) that the answer sheet of computer test (Skill Test) has been evaluated as per the Government of India Gazette Notification dated 18.05.2014 (Annexure A/9). In the said notification the typing speed should be 35 wpm in English

on computer or a typing speed of 30 wpm in Hindi (35 wpm and 30 wpm correspond of 10,500/9000 key depressions per hour on an average of 5 key depression for each word). The applicant submitted that he has counted his answer script of computer typing and it has come more than required. The applicant has typed 309 words which come 1918 from the average 5 word key depressions. As per rules the key depression should be 1750 in an hour whereas key depression of the applicant comes 1918. Thus, the answer script has been wrongly evaluated by the evaluator. The applicant preferred Writ Petition No.11300/2017 before the Hon'ble High Court which was dismissed as withdrawn with liberty to approach appropriate tribunal. Hence, this Original Application.

7. The respondents have filed their reply. It has been submitted by the replying respondents that the entire process of recruitment (i.e. written test, typing test, personal interview etc.) was conducted by a Board of Officers as per prevailing rules, regulations, directions on

the subject issued from time to time by the Government of India/MoD.

8. As per advertisement qualification and experience for the post of LDC was (1) 12th class pass from recognized board/university and (2) typing speed of 35 words per minute in English on computer and 30 words per minute in Hindi on computer (Annexure R/1). It has been submitted by the replying respondents that a written test was conducted on 02.08.2016 under which 15 candidates out of 132 (General Category) appeared in the test were declared qualified for appearing for skill test (typing test) to be conducted on 02.08.2016 including applicant is one amongst those 15 successful incumbent from General Category who obtained 70 marks, viz above qualifying percentage of 62% fixed for General Category in written test by Board of Officers, hence he was allowed for skill test (Typing test) held on 02.08.2016. The candidates were given 10 minutes to type the paragraph given in test paper. The incumbents were provided with a

computer at the test venue. The incumbents were given liberty to choose either Hindi or English for typing test. Qualifying/non qualifying was awarded based on performance in typing test with norm of 35wpm in English and 30 wpm in Hindi typing. 2% error is also permissible as per qualification regulation. None out of 15 candidates appeared from General Category and none out of 16 candidates appearing from SC categories were able to clear the skill test (typing test). However, only 01 candidates out of 15 belonging to OBC category and 02 candidates out of 15 belonging to ST category were able to qualify the skill test (typing test). The applicant was one of the aspirant for the post of LDC under UR General Category but he did not qualify the skill test (typing test) held on 02.08.2016. Hence the applicant was not selected.

9. The applicant preferred number of representations through RTI as he was not satisfied with the result of the skill test (typing test). The applicant sought copies/information under RTI about methodology adopted

and existing policy issued by the Government on the subject of typing test and as well as methodology adopted by the board for conducting test and applicant was provided with the letters/information from time to time.

10. The replying respondents have denied the wrong evaluation made by the applicant and it has been submitted that the typing test for English language on computer was conducted as per Government of India (GoI)/MoD Gazette Notification dated 05.05.2014 and the answer sheet typed by the applicant on given computer was evaluated correctly in a transparent manner in the presence of members of the board appointed for specific purpose of recruitments of civilian employees. None out of 15 candidates in General Category who appeared in typing test, was able to qualify the test.

11. It has been specifically mentioned by the replying respondents that in the answer script total words typed by the applicant is 309 only where minimum 350 words (35 words per minute) was required to be typed. It has been

submitted by the replying respondents that the applicant was fully aware of the fact right from 02 Aug 2016 that entire recruitment process was carried out in a free, fair and transparent manner and that he was not selected for the post of LDC as he did not qualify skill test (typing test) held on 02.08.2016.

12. We have considered the submission made by both the parties and have also gone through the pleadings and documents attached with the Original Application.

13. In this case the sole issue involved is as to what methodology should be adopted for evaluating the typing speed of the candidates.

14. As per the applicant, the typing speed of 35 words per minute in English on Computer should correspond to 10500 key depressions per hour on an average of 5 key depressions for each word, in terms of S.R.O.38 dated 5th May, 2014 by which the Ministry of Defence notified the Army Group 'C' (Upper Division Clerks and Lower Division Clerks) Recruitment (Amendment) Rules, 2014

(hereinafter referred to as '**the RRs**') (Annexure A-9/Annexure R-1). The applicant has stated that he had typed 309 words which correspond to 1918 key depressions whereas as per the RRs there should be only 1750 key depressions within the prescribed time limit of 10 minutes. Therefore, the respondents have failed to follow the RRs, while evaluating his typing speed.

15. However, on the other hand, the respondents without controverting the above specific claim of the applicant and by themselves admitting the applicability of **RRs**, have rejected the applicant's claim by simply stating the fact that since the total words typed by the applicant were 309, whereas minimum 350 words (35 words per minute) were required to be typed, he was not able to qualify the test.

16. RRs (Annexure R-1) stipulates that "***Typing speed of 35 words per minute in English on computer or a typing speed of 30 words per minute in Hindi on computer (35 words per minute and 30 words per minute***

correspond to 10500/9000 key depressions per hour on an average of 5 key depressions for each word)".

17. Perusal of the above provision clearly indicates that though the typing speed refers to as 35 words per minute, it goes on to clarify that a word is to be treated as having 5 key depressions on an average. Therefore 35 words per minute correspond to $35 \times 5 \times 60 = 10500$ key depressions per hour.

18. The respondent-department has done well to include the corresponding key depressions per hour in the RR itself to avoid confusion. Otherwise the choice of passage given for typing test may make the playing field uneven, as passage may contain usually long words or very small words.

19. In our considered view, the respondents have failed to follow the RRs (Annexure A-9/Annexure R-1) while evaluating the typing speed by counting the words and not the key depressions in a specified period. Therefore, the impugned action of the respondents can not be upheld and

the typing test result (Annexure A-1) is liable to be quashed and set aside.

20. Accordingly, the Original Application is allowed. The typing test result (Annexure A-1) is quashed and set aside. The respondents are directed that typing test be re-evaluated on the basis of key depression.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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