

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3038/2019

Monday, this the 21st day of October 2019

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

Kritika Saini
Age 29 years
Group B
d/o Sh. Harpal Singh
r/o D-212, Laxmi Park, Nangloi, Delhi

..Applicant

(Ms. Pallavi Awasthi, Advocate)

Versus

1. Delhi Subordinate Services Selection Board
FC-18, Institutional Area, Karkardooma
Delhi through its Secretary/Chairman
2. Government of NCT of Delhi
The Principle Secretary
Directorate of Education, New Delhi

..Respondents

(Ms. Esha Majumdar, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant responded to Advertisement No.04/17 dated 20.12.2017 issued by the DSSSB, the 1st respondent herein, in respect of various posts, including the post of Physical Education Teacher, with Post Code No.90/17. She contends that the 1st respondent released the key-answers for the question paper and on a comparison, she expected 90 marks, whereas

she was awarded only 63.75 marks, and after correction of the key-answers, in terms of the direction issued by the Tribunal, she was awarded 64.25 marks. The last candidate selected for the post secured 67.75 marks. In this background, the applicant undertook the correspondence, and made a representation for re-evaluation of her answer scripts. Since nothing was forthcoming, this O.A. is filed to direct the respondents to re-evaluate the answer scripts.

2. We heard Ms. Pallavi Awasthi, learned counsel for applicant and Ms. Esha Majumdar, learned counsel for respondents, at the stage of admission.

3. The examination conducted for the post in question has been the subject matter of several proceedings. At one stage, a batch of O.As. was filed complaining that either the questions themselves were wrong or none of the 4 options were correct. In compliance of the directions issued in O.As. & batch, the respondents undertook some exercise and final results were also declared. The applicant secured 64.25 marks, whereas the last candidate in that category was the one, who secured 67.75 marks.

4. It is not uncommon that a participant in the examination expects much higher marks but the result turns out to be something else. An occasion to direct re-evaluation arises only

when the agency, that conducts the examination, itself accepts the mistake or where the very process is established to have suffered from defect. There may also be instances, where the concerned Rules provide for it. In the instant case, no such circumstances exist. Except making a general statement that the applicant expected 90 marks and some defect may have crept into the evaluation process, the applicant did not furnish any specific reasons. It needs to be mentioned that the entire process of receiving applications, tabulation of marks and the selection of candidates, is through cyber system and hardly there exists any human intervention. When thousands of candidates appear for few posts, acceding to the request of re-evaluation of marks by all or majority of the unsuccessful candidates, will lead to extreme uncertainty, if not chaos.

5. Reliance is placed upon the judgment of Hon'ble High Court of Orissa at Cuttack in **Dibya Jyoti Nanda v. Central Board of Secondary-Education (CBSE) & others** (W.P. (C) No.9890/2018) dated 24.07.2018. As the head-note thereof itself suggests, the mistake in the entire process was admitted by the respondents themselves. Such is not a case here. Firstly, the examination has already been scrutinized in a batch of O.As. before this Tribunal and secondly, the entire process is being monitored by the Hon'ble High Court of Delhi.

6. We do not find any merit in this O.A. It is accordingly dismissed.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

September 24, 2019

/sunil/



