

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



OA No. 1525/2019

This the 25th day of November, 2019

**Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Nirvikar Kaushik
S/o late Sh. Chandra Shekhar Kaushik
R/o 1761, Cheera Khana
Delhi-110006.Applicant

(through Ms. K. Kiran)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Secretariat
IG Stadium, New Delhi.
2. Delhi Subordinate Services Selection Board
Through its Chairman
FC-18, Institutional Area
Karkardooma, Delhi-110092.Respondents

(through Ms. Esha Mazumdar)

ORDER (Oral)

Hon'ble Mr. S.N. Terdal:

Heard Ms. Kiran, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

2. The relief prayed for in this OA are as follows:



“(a) Issue a Writ of mandamus or any other appropriate writ, order or direction to the respondents to correctly assess, evaluate and publish result of the objective type examination for the post of TGT (Social Science)-Male Post Code 137/17 held on 09.09.2018.

(b) Pass such and other further order/orders as this Hon’ble Court may deem fit and proper under the facts and circumstances and in the interest of justice.”

3. At the time of hearing, learned counsel for the applicant vehemently and strenuously submitted that the applicant had submitted his representation along with supporting documents with respect to nine questions, the answer key of which, are wrong according to the applicant and she further submitted that in view of the material submitted by the applicant, the OA be allowed and the issue be referred to experts.

4. Learned counsel for the respondents, Ms. Esha Mazumdar, has referred to detailed counter reply. In the counter they have stated that by notice dated 15.09.2018, draft answer keys were uploaded and objections were invited from the candidates up to 22.09.2018. Thereafter, the matter was referred to experts and the final answer keys were published stating that no further correspondence would be entertained with respect to answer keys and therefore the OA is devoid of merit. The respondents have referred to the law laid down by the Hon’ble Supreme Court in *Ran Vijay Singh and Ors. vs. State of U.P. and Ors.*, AIR 2018 SC 52. The relevant para of the counter reply along with the relevant paragraph of the judgment of the

Hon'ble Supreme Court in Ran Vijay Singh (supra), is extracted below:



“ II. That Respondent No. 2 vide notice dated 15/09/2018 uploaded the draft answer keys of the said examination on Board’s website and invited the objections on the draft answer key from the candidates upto 22/09/2018 and after consideration of the objections, final answer keys were issued vide the notice dated 18/10/2018. In the final answer key, the following changes were made in the draft answer key:

S.No.	Question No. in different sets				Draft Answer Key	Final Answer Key
	A	B	C	D		
1.	7	11	3	15	B	D
2.	59	43	47	51	B	N
3.	106	186	151	116	C	N
4.	110	190	155	120	C	D
5.	171	141	106	176	C	D

N-Question deleted

Copy of notice dated 15/09/2018 is attached herewith and marked as Annexure R-1.

Copy of notice dated 18/10/2018 of Final Answer Key is attached herewith and marked as Annexure R-2.

III. That after revision of the draft answer key, this board had evaluated the answer sheet of the candidates of said examination. Vide the notice dated 15/02/2019 the marks of the said post was declared and e-dossiers of the successful candidates had also been called. Further, vide the notice no. 452 dated 28/05/2019, result for the post of TGT Social Science-Male, post code 137/17 had been declared.



IV. That in the OA the main contention of the applicant is that they had challenged nine questions i.e., question numbers 132, 166, 172, 174, 178, 182, 186, 188 and 190 of the question paper for the post code 137/17, TGT (Social Science)-Male but the DSSSB had accepted one challenge i.e. Q.No. 190 and deleted Q.No. 186 and rejected the remaining 07 challenges.

V. That in this matter, it also pertinent to mention here that the Hon'ble Supreme Court of India in the matter titled Ran Vijay Singh & others versus State of Uttar Pradesh in Civil Appeal No. 367 of 2017 in it's judgment dated 11/12/2017 held as under;

“...30. The law on the subject is, therefore, quite clear and we only propose to highlight a few significant conclusions. They are : (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it; (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalization and only in rare or exceptional cases that a material error has been committed;

(iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the



event of a doubt, the benefit should go to the examination authority rather than to the candidate...”

5. In view of the facts and in view of the exercise undertaken by the respondent elaborated above and in view of the law laid down by the Hon’ble Supreme Court extracted above, we are of the view that this OA is devoid of merits. The OA is accordingly dismissed. No costs.

(A.K. Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

/ns/