

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

O.A. No. 1821/2016

This the 20th day of November, 2019

**Hon'ble Mr. A. K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Amit Kumar Sharma
S/o Shri Ashok PD. Sharma
R/o Purani Ganj,
Kumhar Toli,
P.O & Dist. Munger
Bihar

...Applicant

(By Advocate: Sh. Rana Prashant)

VERSUS

1. Staff Selection Commission,
Northern Region,
Through its Regional Director (NR)
Block No. 12, CGO Complex, New Delhi
2. Under Secretary Staff Selection
Commission (HQ),
Block No. 12, CGO Complex,
Lodhi Road,
New Delhi - 110003
3. Under Secretary (NR),
Staff Selection Commission (NR),
Block No. 12, CGO Complex,
Lodhi Road,
New Delhi – 110003
4. Regional Director (NR),
Staff Selection Commission (NR),
Block No. 12, CGO Complex,
Lodhi Road,
New Delhi – 110003

...Respondents

(By Advocate: Sh. Gyanendra Singh)

ORDER (Oral)**Hon'ble Mr. R.N. Singh, Member(J):**

Heard both the parties.

2. The applicant has approached this Tribunal alleging that he has scored higher marks in the relevant merit list than other selected candidates for the post of Multi Tasking (Non-Technical) Staff. However, he has not been declared successful for the said post and thus has been denied appointment under the respondents.

3. In response to the notice from this Tribunal, the respondents have filed a short reply and therein, they have stated that the applicant, belonging to OBC category bearing Roll No. 2201136052 applied for Recruitment of MTS Examination, 2013 from Northern Regional Office for Delhi State (Code-11) in response to the Notice published in the Employment News dated 10.11.2012. The applicant scored 95 marks in Paper-I and 03 marks in Paper-II whereas the Commission had fixed the cut-off marks as 23 marks for OBC category for qualifying the Paper-II and as the applicant has scored less marks than the cut-off marks in his category in Paper-II, he was not selected.

4. Learned counsel for applicant stated that the main contention of the applicant is that under Right to Information Act, the applicant has been informed vide letter dated 06.02.2015 of the respondents that the applicant had scored 104.6 marks in Paper-I and 30 marks in Paper-II and thus naturally, the applicant has secured more marks than cut-off marks prescribed by the Commission and thus, the applicant was entitled to be declared as successful.

However, to such contention the respondents have asserted in their reply affidavit that the information provided to the applicant under Right to Information Act was not correct and the Staff Selection Commission (SSC) vide their letter dated 08.06.2015 has informed the applicant that the information provided earlier to the applicant about the marks in the aforesaid examination was not correct and in fact, he had actually scored 95 marks in Paper-I and 03 marks in Paper-II.

5. It is not in dispute that such letter dated 08.06.2015 is not under challenge in the present OA. On the basis of the reply filed, the learned counsel for respondents, further argued that the marks scored by the applicant had also been uploaded in the website of

SSC(NR). A copy of marks of the applicant has been downloaded from the website of the SSC(NR) and has been enclosed by the respondents as Annexure R/2 to their reply.

It is also not the case of the applicant that anyone having lesser marks in Paper-II than the applicant have been selected and appointed by the respondents.

6. We have considered the pleadings on record and also the submission made by the learned counsel for parties.

7. Once the aforesaid letter dated 08.06.2015 of the respondents is not under challenge and there is a specific assertion by the respondents that the earlier information provided to the applicant about the marks scored by him was erroneous and none having lesser marks in Paper-II than the applicant in the aforesaid examination has been appointed, we do not find any merit in the present OA and in view of the aforesaid, OA stands dismissed.

9. There shall be no order as to costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/akshaya/