



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/1953/2014

New Delhi, this the 17th day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Sonu Yadav, age 24 years,
S/o Shri Jai Singh Yadav,
Roll No.1403019171
VPO Bharthala, Tehsil Kosli
Distt. Rewari, Haryana - 123302

...Applicant

(Through Shri Sachin Chauhan, Advocate)

Versus

1. Union of India
Through its Secretary,
Govt. of India,
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training,
North Block, New Delhi
2. Staff Selection Commission
Through the Chairman, S.S.C.
Block No.12, CGO Complex,
Lodhi Road, New Delhi-3
3. The Dy. Regional Director,
Govt. of India,
Staff Selection Commission,
Madhya Pradesh Region,
Raipur, Chattisgarh

... Respondents

(Through Shri S.M. Arif with Ms. Shabnam Parween, Advocates)



ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The Staff Selection Commission (SSC) issued a notification for selection to the posts of Lower Division Clerk (LDC) and Data Entry Operator (DEO) in various services of Government of India for the year 2013. The applicant responded to the notification as an OBC candidate. The selection process involved conducting of examination through OMR process. The results were declared but the applicant was shown as having secured 'zero' marks. On verification, he came to know that award of 'zero' marks was on account of the fact that he did not mark the relevant column as regards his roll number correctly.

2. The applicant contends that it was only on account of an inadvertent omission that he did not blacken the 2 columns referable to the roll number and there should not have been much difficulty in identifying the candidate once it was written in numbers. He submits that inaction on the part of the respondents in taking corrective steps has resulted in a serious grievance to him.



3. This OA is filed with a prayer to direct the respondents to check his OMR sheet and in case he has secured more than the cut off marks in OBC category, to permit him to appear in skill test for the concerned post.

4. Respondents filed counter affidavit opposing the OA. It is stated that there was a serious omission on the part of the applicant in blackening the relevant column in the first page of the answer script, particularly with reference to his roll number and accordingly the computer did not accept the sheet at all. They submit that when the applicant has failed to take important step that is meant for identification of the candidate, he cannot expect any further processing of the paper. Reliance is also placed on certain precedents.

5. We heard Shri Sachin Chauhan, for the applicant and Shri S.M. Arif with Ms. Shabnam Parween, for the respondents.

6. The applicant submitted his application for the post of LDC/DEO and was also issued the hall ticket. The examination took place through OMR sheet. Hardly there would any human intervention in the evaluation. Obviously, for that reason, the first page of the answer sheet was required to be filled not only with letters and numbers but



also through blackening of the corresponding squares. It is only when the relevant squares are blackened, the computer will be able to identify the candidate and his other particulars.

7. The applicant was issued roll number 1403019171. In the first page of the answer script, the candidate is required to mention his name, roll number, ticket number and test form number. Though the applicant filled the relevant squares pertaining to name, ticket number and test form number properly, he omitted to blacken the squares referable to the last two digits 71 of his roll number. Since they were left blank, the computer, naturally was unable to accept the paper and accordingly did not evaluate it. Therefore, 'zero' marks were awarded.

8. In **Union of India Vs. Sumit Kumar**, W.P. No.4829/2017, the Hon'ble High Court of Delhi upheld the order passed by this Tribunal and granted the relief. The difference between this case and Sumit Kumar's case is that in the latter, the answer script was evaluated manually and the omission on the part of the candidate was just to indicate the 'language' in which the answers were written. Rest of the particulars were complete. In view of that, the High Court



observed as under:

“24. The submission of Mr.Mishra that lakhs of candidates take the competitive examination, and the Petitioner cannot be expected to undertake such an exercise for all the candidates who may have made an inadvertent lapse, is also misplaced. It is not the Petitioner’s case that such an innocuous omission is rampant. The percentage of such cases is low. According to the Petitioner, out of lakhs of candidates who took the examination, 489 candidates had omitted to indicate on the cover sheet the language/medium in which the answer sheet had been answered. Thus, the number is not a very high percentage. In any event, it is so easily remediable that we see no reason why the person concerned—who is sorting the answer scripts, cannot apply his mind (and not much of it is required), to do the needful.

25. The submission that the person concerned may not know Hindi, also has no merit. The examination could be undertaken either in English or in Hindi language. The cover sheet contains the instructions in both the languages. The candidates may fill up the particulars in either of the language. Thus, firstly, the concerned person who is employed to sort the answer sheets should be aware of both the languages to be able to perform his job. Secondly, if he knows either one of the languages, and finds that the answer script is not written in that script, by default it would follow that it is written in the other language—as there are only two options/languages in which the question paper could be answered.”

9. In the instant case, there is no human intervention, and the exam was conducted completely through OMR sheet. The computer cannot be expected to process a paper which is incomplete. Further, relief can be granted to the applicant if only,

- (a) the squares for the last two digits of his roll number i.e. 71 are blackened, and
- (b) the answer script is fed to the computer once again, and thereafter further steps are taken.



10. It is not known whether the same technology is available now. If the applicant is permitted to fill the relevant squares of the application at this stage, it would open the pandora box and thousands of candidates who have been awarded 'zero' marks would now turn around. The time gap of six years would have its own impact even if there existed any possibility to grant the relief at the initial stage.

11. We do not find any basis to grant the relief and the OA is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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